

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 20277 of 2016 (O&M)

Date of Decision: 6.10.2016

Sanjeev Kumar Gupta

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Shashikant Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

CM No. 12950 of 2016

Application is allowed as prayed for. Annexures P-15 and P-16 are taken on record subject to all just exceptions.

CWP No. 20277 of 2016

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to refund the excess amount paid by him in lieu of plot No. 819, Sector 1, Part I, Urban Estate, Narnaul, District Mohindergarh allotted to him vide allotment letter dated 10.5.2000 (Annexure P-1). Further, a direction has been sought to the respondents not to charge interest/compound interest from the petitioner on the payment before the possession was offered and to calculate the interest on the remaining amount after deducting the period upto the offer of possession.

2. In the year 2000, the respondents had invited applications for the allotment of freehold residential plots of various sizes in Sector 1, Part I, Narnaul. In response thereto, the petitioner applied for a residential plot along with the earnest money. The petitioner was allotted plot No.819, Sector 1, Part I, Narnaul measuring 300 square meters vide allotment letter dated 10.5.2000 (Annexure P-1). The petitioner deposited the demanded amount but the possession of the plot in question was not handed over. Respondent No.4 vide notice dated 31.12.2007 (Annexure P-2) demanded a sum of ₹ 1,33,542/- as additional price from the petitioner who deposited an amount of ₹ 20,032/- as first installment in January, 2008 and ₹ 35,000/- as second and third installments in March 2009 as part payment of the same amount. Another notice dated 8.12.2010 (Annexure P-3) was sent to the petitioner to deposit ₹ 1,34,565/- as additional price of the plot. The petitioner deposited the said amount vide demand draft dated 7.2.2011. Thereafter, the petitioner vide letter dated 5.9.2012 (Annexure P-4) requested respondent No.4 to inform about the outstanding amount against the plot in question. Respondent No.4 sent the letter of offer of possession dated 26.5.2013 (Annexure P-5) to the petitioner after a delay of almost 13 years. The petitioner received a letter dated 30.7.2015 (Annexure P-6) from respondent No.4 regarding execution of conveyance deed of plot No.819 on payment of full amount of the plot and that an amount of ₹ 4500/- was also due on account of extension fee. The petitioner deposited an amount of ₹ 80,000/- on 14.10.2015 on account of enhanced compensation. After that, the petitioner approached the office of respondent No.4 and came to know that an amount of ₹ 1,75,510/- was outstanding against the petitioner, out of which a sum of ₹ 1,50,000/- was on account of interest/compound interest.

The petitioner sent a representation dated 26.10.2015 (Annexure P-7) to respondents No.2 and 4 for accepting the outstanding amount without interest. Respondent No.4 vide letter dated 29.9.2015 (Annexure P-8) informed the petitioner that as per audit, a sum of ₹ 2,44,612/- was outstanding towards him. On 12.10.2015, the petitioner deposited an amount of ₹ 80,000/-. Thereafter, the petitioner filed CWP No. 25989 of 2015 and this Court vide order dated 11.12.2015 (Annexure P-9) disposed of the said writ petition with a direction to the respondents that in furtherance of the letter 30.7.2015 to inform the petitioner in writing the amount that is payable by him to have the conveyance deed executed in his favour and to obtain possession of the plot. In pursuance thereto, the petitioner again moved a representation dated 1.1.2016 (Annexure P-10) to respondents No.2 and 4, but to no effect. Thereafter, the petitioner filed CWP No. 4039 of 2016 which was disposed of by this Court vide order dated 29.2.2016 (Annexure P-11). In response thereto, the petitioner deposited the demanded amount of ₹ 1,72,677/- vide letter dated 10.2.2016 (Annexure P-12) and ₹ 1,75,510/- vide receipt dated 31.3.2016 (Annexure P-13) under protest. Thereafter, the petitioner moved a representation dated 16.5.2016 (Annexure P-14) to respondents No.2 and 4 for refund of the excess amount, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 16.5.2016 (Annexure P-14) to respondents No.2 and 4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the

present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 16.5.2016 (Annexure P-14), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case the petitioner is found entitled to the amount of refund, the same be released to him within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

October 6, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No