

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 20363 of 2016

Date of Decision: 29.9.2016

Varinder Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

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

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the advertisement dated 10.9.2016 (Annexure P-21) and to direct the respondents to allot the alternate plot out of plot Nos. 939, 940 and 941, Sector 12, Panchkula as mentioned in Annexure P-21. Further, a prayer has been made to say the auction/allotment of the aforesaid three plots in pursuance to the advertisement, Annexure P-21.

2. In pursuance to the advertisement for allotment of plots on freehold basis in Sector 31, Panchkula, the petitioner applied for a plot under BCA Category vide application and deposited 10% of the total price of the plot as earnest money. He was successful in the draw of lots and was allotted plot No. 203-P, Sector 31, Panchkula vide allotment letter dated 18.10.2007 (Annexure P-1). The petitioner accepted the terms and conditions of the allotment letter vide acceptance letter dated 13.11.2007 (Annexure P-2) and deposited the entire amount as per the receipts (Annexures P-3 to P-8, respectively). When possession of the plot in question was not given even after the payment of installments, the petitioner moved an application dated 6.5.2011 (Annexure P-9) for handing over of the possession of the plot. The petitioner moved an application dated 4.10.2011 (Annexure P-10) under the Right to Information Act, 2005 (in

short “the 2005 Act”) about the status of his applications which was duly replied by respondent No.3 vide letter dated 1.3.2012 (Annexure P-11). As per letter dated 2.2.2012 (Annexure P-12) respondent No.3 had directed the Land Acquisition Officer, Panchkula, to provide the latest status of court case along with title and name of court as mentioned by the XEN-III, HUDA, Panchkula to the petitioner as sought under the 2005 Act. Subsequently, the respondents vide letters dated 2.11.2012 (Annexure P-13) and dated 9.1.2013 (Annexure P-14) informed the petitioner under the 2005 Act that the structure existed over the plot in question and the court case is also pending. The petitioner vide letters dated 22.2.2016 (Annexure P-15) and dated 8.3.2016 (Annexure P-16) asked the respondents for physical possession of the plot in question. The Sub Divisional Engineer, HUDA wrote a letter dated 30.3.2016 (Annexure P-17) to the Executive Engineer, HUDA, Panchkula admitting that the pucca structure was existing on the plot in question and the dispute of the court case regarding the said plot would be sorted out by respondent No.3. The petitioner vide letter dated 25.5.2016 (Annexure P-18) requested respondent No.3 for physical possession of the plot in question. Respondent No.3 vide letter dated 3.6.2016 (Annexure P-19) informed the petitioner that the report regarding the status of development works in front of the plot in question was called vide letter dated 19.5.2016 and as and when the report regarding completion of development work is received, the possession of the plot would be delivered. Thereafter, the petitioner moved an application dated 6.6.2016 (Annexure P-20) to respondent No.3 on 11.6.2016 during Special Camp for the allotment of alternative plot, but to no effect. As per advertisement dated 10.9.2016 (Annexure P-21), three plots bearing Nos. 939, 940 and 941, Sector 12, Panchkula measuring 4 marlas have been put to auction. The petitioner sent an application dated 16.9.2016 (Annexure P-22) to the Administrator, Haryana Urban Development Authority, Panchkula for the allotment of alternative plot in Sector 12, Panchkula due to delay in handing over the physical possession of plot No. 203-P, Sector 31, Panchkula, 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 the applications dated 6.6.2016 (Annexure P-20) and dated 16.9.2016 (Annexure P-22) to

respondent No.3 and the Administrator, HUDA, Panchkula, 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 applications dated 6.6.2016 (Annexure P-20) and dated 16.9.2016 (Annexure P-22), 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 the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 29, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No