

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 20467 of 2016

Date of Decision: 30.9.2016

Rupinder Singh

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Johan Kumar, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner seeks quashing of the letter dated 16.8.2016 (Annexure P-8) whereby respondent No.3 had already allotted the alternative plot to him and asked to pay the current rate for the excess area. Further, a direction has been sought to the respondents to charge the extra area of the alternative plot No. 449-SP, Sector 21-C, Faridabad as per the Haryana Urban Development Authority (HUDA) policies and to decide the representation dated 24.8.2016 (Annexure P-9) moved by the petitioner.
2. Plot No. 64-P, Sectors 44-47, Faridabad was allotted to the petitioner vide allotment letter dated 8.1.2002 (Annexure P-1). The possession of the plot in question could not be delivered to the petitioner as the land falls under the forest area and litigation was pending in the Supreme Court. The petitioner moved various representations followed by a legal notice dated 20.1.2015 to the respondents for allotment of alternative

plot as per the Haryana Urban Development Authority (HUDA) policies. Respondent No.3 wrote a letter dated 3.3.2015 (Annexure P-2) to respondent No.1 for taking decision regarding allotment of alternate plot in lieu of the plot in question to the petitioner. The petitioner filed CWP No. 5373 of 2015 which was disposed of by this Court vide order dated 23.3.2015 (Annexure P-3) directing the respondents to take a decision on the legal notice dated 23.3.2015. Respondent No.3 vide letter dated 16.3.2016 (Annexure P-4) informed the petitioner that the draw of disputed plot for the allotment of alternate plot in lieu of disputed plot would be held on 18.3.2016 and directed the petitioner to attend the office. When the order, Annexure P-3, was not complied with by the respondents, the petitioner filed COCP No. 1784 of 2015. The respondents filed reply by way of affidavit dated 13.8.2016 (Annexure P-5) along with letter dated 10.8.2016 (Annexure P-6) that alternate plot No. 449-SP, Sector 21-C, Faridabad has been allotted to the petitioner. This Court vide order dated 16.8.2016 (Annexure P-7) disposed of the said contempt petition as infructuous. Thereafter, respondent No.3 vide letter dated 16.8.2016 (Annexure P-8) informed the petitioner that the excess area of the alternate plot would be charged at the current rate. Accordingly, the petitioner moved a representation dated 24.8.2016 (Annexure P-9) to respondent No.3 for charging the extra area of alternative plot No. 449-SP, Sector 21-C, Faridabad as per the HUDA policies (Annexures P-10 to P-12, respectively), 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

24.8.2016 (Annexure P-9) to respondent No.3, 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.3 to take a decision on the representation dated 24.8.2016 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 30 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No