

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21002 of 2016

Date of Decision: 6.10.2016

Dinesh Kumar Sharma and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rajesh Bansal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to allot a alternate plot to them in the same sector or in adjacent sector of the same size and same value and to pay 18% interest per annum on the deposited amount.

2. The petitioners applied for a residential plot in Sector 18, Panipat by depositing a sum of ₹ 1,39,454/- being 10% of the allotment price of the plot measuring 299 square meters. The petitioners remained successful in the draw of lots and were allotted plot No.1256, Sector 18, HUDA, Panipat measuring 299 square meters vide allotment letter dated 2.11.2006 (Annexure P-1). The petitioners deposited another amount of ₹ 2,09,180/- being 15% of the allotment price vide receipt dated 15.11.2006 (Annexure P-2). The petitioners paid all the installments of the plot in question. The Executive Engineer, Electrical Division, HUDA, Panchkula wrote a letter dated 23.8.2011 (Annexure P-3) to respondent No.3 regarding

the offer of possession of plot Nos. 1229 to 1261, Sector 18, Panipat that as

reported by the SDE (Electrical), HUDA, Karnal, PCC Poles for overhead lines stand provided near plot Nos. 1229 to 1261 and the conductors can be provided as and when the allottees applied for the electric connection as there was apprehension of theft of conductor. The petitioners filed complaint No. 412 of 2009 before the District Consumer Disputes Redressal Forum, Panipat which was dismissed vide order dated 27.9.2011 (Annexure P-4) on the assurance given by the respondents that they will provide all basic amenities and hand over the possession of the plot to the petitioners. The petitioners moved an application dated 30.11.2011 (Annexure P-5) to the respondents for providing basic amenities and possession of the plot, but to no effect. Then they gave a complaint dated 14.7.2012 (Annexure P-6) followed by a reminders dated 21.3.2013 (Annexure P-7) to the respondents and to the Pollution Control Board, Panipat against M/s HRS Spinners for controlling the pollution, but all in vain. Thereafter, the petitioners moved the applications dated 8.11.2013 (Annexure P-8) and dated 11.3.2014 (Annexure P-9) for providing the facilities of electricity, water, sewerage and road in the plot in question. However, no action was taken thereon. Accordingly, the petitioners moved an application dated 21.8.2014 (Annexure P-10) to respondent No.3 for the allotment of an alternate plot in lieu of plot No. 1256, Sector 18, Panipat, but to no effect. Thereafter, the petitioners filed a complaint, Annexure P-11, before the District Consumer Disputes Redressal Forum, Panipat. The respondents filed a written statement, Annexure P-12, to the said complaint. During the pendency of the complaint, the District Forum had appointed a Local Commissioner to visit the spot and to submit the report, who submitted his report dated 17.3.2015 (Annexure P-13). The said complaint was dismissed as withdrawn

by the District Forum vide order dated 3.6.2015 (Annexure P-14) with liberty to the petitioners to approach the appropriate court of law. According to the petitioners, in a similar matter, the District Forum vide order dated 4.8.2014 (Annexure P-15) had allowed the complaint filed by Mohinder Singh and directed the respondents to pay an interest @ 10% on the amounts deposited by the allottee from the date of deposits till the possession was offered. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent an application dated 21.8.2014 (Annexure P-10) to respondent No.3 , but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 application dated 21.8.2014 (Annexure P-10), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 6, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No