

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 22549 of 2016

DATE OF DECISION : 27.10.2016

Ashok Kumar Goyal

.... PETITIONER

Versus

Haryana Urban Development Authority and others

..... RESPONDENTS

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

HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ravish Bansal, Advocate,
for the petitioner.

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RAMENDRA JAIN, J.

1. Vide allotment letter dated 15.05.1975 (Annexure P-1), one Rumanvan Singh, predecessor of the petitioner, was allotted residential Plot No. 443 P measuring 350 square yards in Sector 2 of the Urban Estate at Panchkula. Since the said plot was a preferential plot, therefore, an additional price @ 10% of the total sale price was charged from the allottee. Possession of the plot was delivered to the allottee vide Possession Certificate dated 28.04.1983 (Annexure P-2). On the backside of the said possession certificate, it was mentioned that Plot Nos. 438, 439, 440, 441 and 442 P, situated on the backside of the aforesaid allotted Plot No. 443 P, were cancelled. Vide registered sale deed dated 20.06.1990, the petitioner purchased aforesaid Plot No. 443 P from Rumanvan Singh and re-allotment letter dated 20.08.1990 was issued to him by the respondents.

2. It is the case of the petitioner that on 21.10.2016, on visiting

website of the respondents, he came to know that the respondents have issued e-auction Notice, Annexure P-4, regarding auction of some residential sites of various sectors of Panchkula, including Plot No. 437-BP in Sector 2, Panchkula, mentioned at Serial No.4 of the notice. Further, as per Layout Plan (Annexure P-5), available on the website of the respondents, Plot No. 437-BP is situated exactly at the backside of plot No. 443 of the petitioner, whereas the plots initially carved out at the back of his aforesaid plot had already been cancelled. It was found that only two plots, i.e. Plot Nos. 437A and 437BP were being put to auction in the back lane of the petitioner's plot. It is the further case of the petitioner that on the back side of other similarly situated plots, i.e. Plot Nos. 447 and 449, land has been left vacant by the respondents. Hence, action of the respondents to carve out a residential plot at the back side of the petitioner's plot is illegal, arbitrary, discriminately and violative of Article 14 of the Constitution of India. Hence, on 24.10.2016, the petitioner submitted representation (Annexure P-6) to the HUDA authorities in this regard to withhold auction of any plot at the back of his plot in the auction, which is scheduled to be held on 27.10.2016, and expressed his readiness to pay extra amount for the same, if charged from similarly situated plot holders.

3. By way of present writ petition under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing e-auction notice, Annexure P-4, qua auction of Plot No. 437-BP, Sector 2, Panchkula, measuring 14 Marlas, which is situated just at the back of his residential plot No. 443-P. Further, prayer has been made to issue a writ in the nature of mandamus directing

the respondents to leave the land lying at the back of the petitioner's residential Plot No. 443-P, as vacant land/green belt etc.

4. After hearing learned counsel for the petitioner, we do not find any merit in the instant petition.

5. According to the petitioner, small pockets of vacant land have been left by the respondent authorities at the back of various other plot holders, therefore, auction of any plot at the back of his plot is totally illegal, arbitrary and discriminatory in violation of Article 14 of the Constitution of India. This is a disputed question of fact, which requires evidence. Hence, this court in exercise of its extra ordinary writ jurisdiction under Articles 226/227 of the Constitution of India cannot decide this question. Even otherwise, auction of plot No. 437-BP at the back of the plot of the petitioner would not be prejudicial to his rights, because neither the area of his plot is being reduced nor its utility will be diminished in any manner.

6. In view of the above, this court is not inclined to interfere in the auction proceedings. Petition is, accordingly, dismissed.

(RAMENDRA JAIN)
JUDGE

October 27, 2016
ndj

(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes