

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 23058 of 2016

Date of Decision: 8.11.2016

Anita Singhal

....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. Saurabh Arora, 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 Mandamus directing the respondents to allot an alternative plot measuring 6 marlas in Sector 5, Gurgaon or in any other Sector in District Gurgaon in lieu of disputed plot No. 680, Sector 5, Urban Estate, Gurgaon or to direct the respondents to decide her representation dated 15.9.2016 (Annexure P-10) within a time frame. Further, a direction has been sought to the respondents to pay interest on the deposited amounts as compensation for the period of delay in handing over the possession of the plot.

2. The petitioner was re-allotted plot No. 680, Sector 5, Urban Estate, Gurgaon measuring 139.50 square meter vide re-allotment letter dated 27/29.9.2016 (Annexure P-1). The said plot was allotted to the petitioner on account of permission granted to the previous owner, namely,

Shri Goldy Lamba vide transfer permission letter dated 29.7.2016 (Annexure P-2). Originally, the plot in question was allotted to one Smt Indra Devi vide allotment letter dated 21.8.1990. Vide letter dated 5.11.1998 (Annexure P-3), respondent No.1 offered said Smt. Indra Devi an alternative site due to the reasons, namely, (i) pending of litigation; (ii) encroachment on the plot/site; and (iii) plot not available at site after demarcation. Said Smt. Indra Devi accepted the offer and she requested that she be allotted a plot in the same sector and in case it was not possible then to allot a vacant plot to her in any other developed sector. Respondent No.2 vide letter dated 5.4.1999 (Annexure P-4) offered an alternative site to Smt. Indra Devi against the plot in question. Smt. Indra Devi vide letter dated 22.4.1999 gave her first preference for allotment of an alternative plot in Sector 5, Gurgaon and in case she was not allotted a plot in Sector 5, Gurgaon by draw of lots, she agreed to the suggestion and conditions as depicted in the offer letter. Respondent No.2 vide letter dated 27.11.2000 (Annexure P-5) informed Smt. Indra Devi that the plot in question is clear in all respects and the possession would be handed over as and when the development work is complete. Smt. Indra Devi made various representations for handing over the physical possession of the plot in question but to no effect. Thereafter, Smt. Indra Devi after seeking permission from the respondents, transferred the said plot in favour of Smt. Sushila Sharma in the year 2007. Again the plot in question was transferred in favour of Shri Goldy Lamba and Shri Rajan Lamba in the year 2010. As physical possession of the plot in question was not handed over to Shri Goldy Lamba and Shri Rajan Lamba they made representations dated 15.9.2014, 9.10.2014 and 30.10.2014 for transplantation of the peepal tree

and for allotment of an alternate site in the same sector. The Executive Engineer vide letter dated 21.3.2014 (Annexure P-6) informed the Divisional Forest Officer, Gurgaon that he has no objection if the peepal tree having a diameter of more than 2 meters is transplanted at his cost in the supervision of the Forest Department. In pursuance to the said representations submitted by Shri Goldy Lamba and Shri Rajan Lamba, the Divisional Forest Officer, Gurgaon vide letter dated 17.6.2014 (Annexure P-7) granted permission to transplant the peepal tree to the Executive Engineer, Horticulture Division, HUDA, Gurgaon. Thereafter, a number of representations including the representation dated 14.1.2015 were made by Shri Goldy Lamba and Shri Rajan Lamba to the respondents for taking police action against the encroachers who were not allowing them to the transplantation of the peepal tree and to hand over the possession of the plot in question. The Sub Divisional Engineer vide letter dated 5.1.2015 (Annexure P-8) requested the Executive Engineer to shift/remove the peepal tree from the plot in question so that the possession of the said plot be given to the allottee. Respondent No.2 vide letter dated 16.4.2015 (Annexure P-9) informed the Executive Engineer that there was no court case pending in any court with regard to plot Nos. 680 and 681, Sector 5, Gurgaon. Thereafter, the plot in question was transferred to the petitioner vide re-allotment letter dated 27/29.9.2016 after seeking permission by Shri Goldy Lamba and Shri Rajan Lamba. Accordingly, the petitioner moved a representation dated 15.9.2016 (Annexure P-10) to respondent No.3 for allotment of an alternate plot, 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 15.9.2016 (Annexure P-10) 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 15.9.2016 (Annexure P-10), 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.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**November 8, 2016**  
gbs

**(RAMENDRA JAIN)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**