

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 23428 of 2016

Date of Decision: 11.11.2016

Rakesh Bansal

....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. 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 to him in Faridabad in any sector in lieu of plot No. 2337, Sector 64, Faridabad measuring 358.8 square yards in view of policy dated 18.2.2013 (Annexure P-10).

2. Plot No. 2337, Sector 64, Faridabad measuring 358.8 square yards was allotted to the petitioner vide allotment letter dated 8.1.2001 (Annexure P-1). However, the possession of the said plot was not delivered to the petitioner as the same fall under Nalah (Drain) which is 71' and the area of the plot allotted to the petitioner is less than the original allotment. The petitioner made various representations for handing over the possession of the plot, but he was told that the possession could not be delivered as the area of the plot was less. Thereafter, the petitioner served a legal notice for the allotment of alternate plot in view of the policies of the Haryana Urban Development Authority. Respondent No.3 submitted a reply

dated 4.2.2010 (Annexure P-2) to respondent No.2 to the above said legal notice. When nothing was done in the matter, the petitioner again served a legal notice dated 14.1.2016 (Annexure P-3) upon the respondents for the allotment of an alternate plot as per their own policy dated 18.2.2013 (Annexure P-10), but to no effect. Thereafter, the petitioner made a representation dated 26.5.2016 (Annexure P-4) to respondent No.3, 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 legal notice dated 14.1.2016 (Annexure P-3) followed by a representation dated 26.5.2016 (Annexure P-4) to the respondents, but no action has so far been taken thereon. Reliance was also placed upon the orders (Annexures P-5 to P-9, respectively) passed by this Court.

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 legal notice dated 14.1.2016 (Annexure P-3) followed by a representation dated 26.5.2016 (Annexure P-4), 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

November 11, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No