

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

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**Civil Writ Petition No.23980 of 2016**  
**Date of decision: November 21, 2016**

Om Parkash Yadav

....Petitioner

versus

Haryana Urban Development Authority and another

....Respondents

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

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Present: Mr. Sandeep Singal, Advocate for the petitioner.

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**AJAY KUMAR MITTAL, J. (Oral)**

1. The petitioner has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to allot plot No.410-P measuring 8 marla at HUDA, Sector 5, Rohtak in General Category to the petitioner which has wrongly been allotted to him under Advocate Category due to the mistake committed on the part of the respondents and also in view of the fact that one similarly situated person, namely, Smt. Darshna Kumari Gill who has also been wrongly allotted a plot in Advocate Category in the said sector, has now been allotted the plot in General Category in pursuance to the order passed by this Court in CWP No.1232 of 2014 (Annexure P-5).
2. It was not disputed that Sh. Vikram Khattar and Sh. Ajay Batra, Advocates had filed a Civil Suit No.370 of 2013 which was partly decreed vide judgment and decree dated 27.09.2016

**(Annexure P-4)** whereby the allotment in favour of defendant No.2

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(petitioner herein) was held to be illegal, null and void and one left over plot was to be allotted to the plaintiff therein as per the process. It was further recorded that the counter-claim of defendant No.2(petitioner herein) stands dismissed, however, liberty was granted to him to use any proper forum for his legal right. In view thereof, learned counsel submitted that he may be allowed to withdraw the present writ petition. However, a prayer was made that liberty be granted to the petitioner to challenge the judgment and decree passed by the trial Court.

3. Dismissed as withdrawn. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to him, in accordance with law.

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

**November 21, 2016**  
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**(RAMENDRA JAIN)**  
**JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No