

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 25157 of 2016

Date of Decision: 6.12.2016

Jitender Gupta

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rakesh Nehra, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner seeks a writ of mandamus directing the respondents to hand over the physical possession of the plot to him or in the alternative to allot another policy in terms of the policy of exchange of plot dated 18.2.2013.

2. Haryana Urban Development Authority (HUDA) issued an advertisement to float a scheme to develop Sector 9/9A, Bahadurgarh. In response thereto, Smt. Kamlesh applied for a 1-kanal plot. Plot No. 4138, Sector 9/9A, Bahadurgarh was allotted to Smt. Kamlesh by respondent No.3 vide allotment letter dated 2.12.2010 on freehold basis. The tentative price of the said plot was ₹ 18,48,000/- and respondent No.3 vide letter dated 17.9.2010 (Annexure P-1) asked said Smt. Kamlesh to deposit 10% amount of the total price of the plot as earnest money. Smt. Kamlesh deposited 10% as earnest money vide bank's cheque dated 23.9.2010 (Annexure P-2).

Thereafter, respondent No.3 issued allotment letter dated 2.12.2010 (Annexure P-3) in favour of Smt. Kamlesh. Respondent No.3 made an offer of possession vide letter dated 18.1.2011 (Annexure P-4) to the original allottee, Smt. Kamlesh. However, physical possession of the plot in question was not handed over to her. Smt. Kamlesh sold the plot to one Shri Ravinder Kumar Singhal and moved an application to respondent No.3 for transfer of the plot in his name, who vide reallotment letter dated 10.3.2011 (Annexure P-5) transferred the said plot in favour of Shri Ravinder Kumar Singhal. Respondent No.3 vide letter dated 12.7.2012 (Annexure P-6) told Shri Ravinder Kumar Singhal that as per patwari report, neither the site of the said plot is clear nor the development works has been completed and, therefore, the possession of the plot in question cannot be handed over to him. Said Shri Ravinder Kumar Singhal made an application to the respondents for permission to transfer the plot in question in favour of the petitioner and in view thereof, the permission letter dated 29.10.2014 was issued and the plot in question was re-allotted in favour of the petitioner vide re-allotment letter dated 17.11.2014 (Annexure P-7). On the basis of re-allotment letter, Annexure P-7, the petitioner made a representation dated 20.2.2015 (Annexure P-8) to respondent No.3 for physical possession of the plot in question, but to no effect. Thereafter, the petitioner moved another representation dated 10.6.2016 (Annexure P-9) to respondent No.2 for the allotment of plot in question, 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 10.6.2016 (Annexure P-9) to respondent No.2, 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 10.6.2016 (Annexure P-9), 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

December 6, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No