

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 25854 of 2016

Date of Decision: 14.12.2016

Vikram Bahl

....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 alternate regular size plot measuring around 383.90 square meters or bigger than 383.90 square meters in Sector 43, Gurgaon as per the policy dated 18.2.2013 (Annexure P-7); to refund the amount deposited by the petitioner towards the interest on the delayed payment of the plot in question or to decide the representation dated 11.7.2016 (Annexure P-6) moved by the petitioner.

2. The petitioner was allotted plot No. 1164, Sector 43, Gurgaon measuring 220 square meters by respondent No.2 vide allotment letter dated 31.5.2002 (Annexure P-1). The tentative price of the plot in question was fixed at ₹ 11,84,040/-, i.e. at the rate of ₹ 5382/- per square meter. The possession certificate dated 2.12.2011 (Annexure P-2) was issued to the petitioner increasing the size of the plot from 220 square meters to 383.90 square meters. The conveyance deed dated 8.12.2011 (Annexure P-3) thereof was also registered in favour of the petitioner by respondent No.2.

Respondent No.2 vide letter dated 13.2.2012 (Annexure P-4) enhanced the cost of the land and made an amount of ₹ 23,80,836/- @ of ₹ 6201.71 per square meter. Thereafter, vide letter dated 10.12.2012 (Annexure P-5) respondent No.2 reduced the enhanced compensation from ₹ 23,80,836/- to ₹ 21,48,066/- (from ₹ 6201.71 per square meter to ₹ 5595.38 per square meter). Accordingly, the petitioner moved a representation dated 11.7.2016 (Annexure P-6) to respondent No.4 for the allotment of an alternative plot in view of exchange of plots policy dated 18.2.2013 (Annexure P-7), 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 11.7.2016 (Annexure P-6) to respondent No.4, 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.4 to take a decision on the representation dated 11.7.2016 (Annexure P-6), 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

December 14, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No