

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.4342 of 2015 (O&M)
DATE OF DECISION: 05.04.2016

M/s Aggarwal Loomtax

....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vaneet Soni, Advocate for the petitioner
Mr. RKS Brar, Addl. Advocate General, Haryana
Mr. Sudeep Mahajan, Advocate for respondent
No.2-HUDA
Ms. Surinder Kaur, Advocate for
Mr. S.K. Mahajan, Advocate for respondent No.3/
HSPCB
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The petitioner seeks a writ of certiorari to quash an order dated 31.12.2009 and a writ of mandamus directing respondent Nos.1 and 2 to allot in its favour Plot No.651, Sector 29, Part-II, HUDA, Panipat.

2. The respondents had decided to relocate parties who had set up dying units in a non-conforming sector. Various factors were considered while coming to this decision especially on account of the impact on the environment being affected by the presence of dying industries in the non-conforming zones.

3. The aforesaid plot was allotted by an allotment letter dated 22.12.2003. The petitioner, however, did not make payment as

per the terms and conditions of the allotment letter. As a result thereof, the allotment was cancelled by an order dated 11.03.2005.

4. In almost identical circumstances, a Division Bench of this Court by an order and judgment dated 11.12.2008 in *M/s Acfoli INC vs. The Haryana Urban Development Authority and others* granted certain reliefs in favour of the petitioner therein. The operative part of the order reads as under:-

"13. As a sequel to the above discussion, both the petitions are disposed of with the following directions:-

- i) Within a period of one month from the date of receipt of a certified copy of this order, respondent Nos. 1 and 2 shall re-allot Plot No. 190, Sector 29, Part-II, Panipat, measuring 2100 square meters to the petitioner (in CWP No. 971 of 2008) and Plot No. 239, Sector 29, Part-II, Panipat, measuring 5000 square meters, to the other petitioner (in CWP No. 1469 of 2008) at the current rates as approved by the respondents. We make it clear that the petitioners would not be permitted to ask for plot of a bigger size irrespective of the recommendation made by the Board;
- (ii) Letter of demand issued by respondent Nos. 1 and 2 shall clearly mention the cost of the plot, area of the plot and other usual terms and conditions;
- (iii) The petitioners shall pay 50% of the total price in lumpsum within a period of two months from the date of receipt of demand raised by respondent Nos. 1 and 2;
- (iv) The Regular Letter of Allotment shall be issued on deposit of 50% price of the plot price in lump-sum by the petitioners. The needful shall be done within a period of one month from the date of deposit, subject to further condition to make payment of balance amount as per usual terms and conditions of respondent Nos. 1 and 2.
- (v) If the petitioners fail to deposit the 50% of the price in lump-sum as per the demand raised by respondent Nos. 1 and 2 within the stipulated period then the writ petitions shall be deemed

to be dismissed without entertaining any further correspondence in that regard."

5. Thereafter, the petitioner made an application for re-allotment of the plot. The respondents, by the impugned order dated 31.12.2009, observed that the Supreme Court had stayed the operation of the order and that the SLP was pending. However, ultimately the Supreme Court dismissed the SLP by an order dated 15.04.2011. According to the petitioner, the respondents have thereafter consistently been re-allotting the plots on the terms stipulated by the order and judgment dated 11.12.2008. The petitioner contends that he accordingly waited his turn.

6. In the circumstances, the petition is disposed of in the same terms as in the case of *M/s Acfoli INC vs. The Haryana Urban Development Authority and others (supra)* including that the plot would be offered only at the current rate as approved by the respondents.

This order is subject to the plot still being available. If the plot is not available, the petitioner will be at liberty to apply for an alternate plot. The application shall be dealt with in accordance with law.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

05.04.2016
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(ARUN PALLI)
JUDGE