

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10292 of 2016 (O&M)

Date of Decision: 15.02.2017

Sneh Garg

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. Karanvir Singh Khehar, Advocate for the petitioner

Mr. Deepak Balyan, Addl. AG Haryana

Mr. Deepak Manchanda, Advocate for respondents No.2 to 4

SURYA KANT, J. (Oral)

(1) The controversy in this case pertains to the petitioner's right to seek alternative allotment of plot in Urban Estate, Gurugram. The petitioner was initially allotted Plot No.41, Sector 12-A, Gurgaon but its possession was not given to her for 15 years as the plot was under litigation. She was offered alternative plot No.969 in the same Sector which too was under litigation and as such its possession could also not be delivered. Thereafter, the petitioner was offered plot No.970 and it appears that the size of the offered plot at the spot was 298 sq.meters as against 325 sq.meters, namely, the size to which the petitioner is entitled to. It was in these circumstances that on 01.02.2017, the Estate Officer-I, HUDA, Gurugram was directed to remain present in Court along with record to clarify whether Plot No.970, Sector 12-A or any other plot of equivalent size in that Sector could be offered to the petitioner. The Estate Officer appeared before this Court on 09.02.2017 when the following order was passed:-

“Mr.Vivek Kalia, Estate Officer-I, HUDA, Gurugram

is present in Court and states that HUDA is ready and

willing to hand over physical possession of Plot No.970, Sector -12A, Gurugram to the petitioner, which shall be 325 sq.meters. He further states that Plot No.969 is also in the same sector and if petitioner so wants, that plot can also be offered to her in the same manner. He further states that physical possession of the plot shall be given after carrying out measurements at the spot and that the above-stated plots are not under litigation and are free from all encumbrances. Let counsel for the petitioner have instructions.”

(2) In deference thereto, learned counsel for the petitioner submits and rightly so that the petitioner has no objection if physical possession of any alternative plot actually measuring 325 sq.meters is handed over to her.

(3) In this view of the matter, we dispose of the writ petition in terms of undertaking given by the Estate Officer, as reproduced above, with a direction to HUDA authorities that let physical possession of any plot measuring 325 sq.meters and which is not under litigation and is free from all encumbrances be handed over to the petitioner within one month from the date of receipt of certified copy of this order and a compliance report be sent to the Registrar General of this Court failing which liberty is granted to the petitioner to seek revival of this writ petition at the cost of the Estate Officer-I, HUDA, Gurugram.

(4) Ordered accordingly.

(Surya Kant)
Judge

15.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge