

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11497-2016

Date of Decision: January 20, 2017

Pankaj Yadav

.....Petitioner

Versus

Haryana Urban Development Authority and others

.....Respondents

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

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Petitioner in person.

Mr.Deepak Balyan, Addl.AG, Haryana.

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SURYA KANT, J.

The petitioner is a subsequent purchaser of Plot No.587 measuring 10 marla (233.20 sq.mtrs), Sector 52, Gurugram. Conveyance deed has been executed in his favour and drawings for construction of the house have also been approved.

[2] HUDA-authorities at Gurugram unfortunately indulge in unabated malpractices causing unbearable harassment to the allottees. In the case of the petitioners a unilateral decision of reducing the size his plot as also of other plots in the same row from 233.20 sq.mtrs to 225.50 sq.mtrs has been taken. The size has been reduced as meanwhile underground “IOCL Gas Pipeline” has been laid and it crosses under various plots carved

out by HUDA. Though the pipeline does not pass through the plot

purchased by the petitioner but the adjoining plot is directly affected due to which size of all the plots have been reduced.

[3] The minimum courtesy which HUDA-authorities could have shown was to at least intimate the allottees the reason for such reduction howsoever genuine it may be. No such consumer friendly practice was followed.

[4] The reduction of size of petitioner's plot which he owns free from all incumbrances, amounts to compulsory acquisition of a part of his immovable property, may be measuring more than 7 sq.mtrs. only. The petitioner's ownership qua the plot size of 233.20 sq.mtrs cannot be reduced to 225.50 sq.mtrs without paying him adequate compensation.

[5] We, thus, allow this writ petition directing the respondent-HUDA authorities to refund the latest revised allotment price of the plot to the extent its size has been reduced. In addition, the Estate Officer-II, HUDA, Gurgaon is burdened with costs of Rs.10,000/-, to be personally recoverable from him and which shall not be reimbursed by HUDA or the State Government. The cost amount is levied and is payable to the petitioner for causing harassment and for the failure of HUDA authorities in intimating the petitioner or other allottees in advance. The refund alongwith cost shall be paid to the petitioner within a period of one month from the date of receipt of a certified copy of this order.

[6] However, if the petitioner has any other claim like special damages, liberty is granted to him to approach the appropriate Forum.

[7] Since building plan of the plot of the petitioner has already been approved, no additional charges shall be levied, even if some

modification/revision in the building plan is required to be done, due to reduction of the size of the plot.

[8] Disposed of in above terms.

(SURYA KANT)
JUDGE

January 20, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |