

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.13185 of 2017

Date of Decision: June 02, 2017

Dal Chand and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Raman Gaur, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are the second allottees of Plot No.339, Sector-37, Faridabad. There was vacant land measuring 83 square yard adjoining the plot which is also said to have been purchased by the petitioners. The size of the plot thus increased to 316.64 square yard but they have been permitted to raise construction as per the original size of the plot. The petitioners are said to have constructed the house in the year 2007 and there appears to be some merit in their plea as is evident from the documents on record as well as the photographs. Regardless of this fact, the plot was resumed on the plea that the petitioners have failed to construct the house within the stipulated period. Such a plea has been taken by HUDA authorities as the 'occupation certificate' has not been obtained by petitioners. The petitioners had applied for occupation certificate in the same year, i.e., on 28.12.2007 but it was rejected on hyper-technical ground. This fact itself establishes that the petitioners had actually constructed the house in 2007 but HUDA authorities still refused to acknowledge the truth.

The appeal filed by the petitioners against the resumption order was also

rejected mechanically reiterating the same ground that they have not

constructed the house within stipulated period. Thereafter, the petitioners filed revision petition which has been accepted but they have been asked to deposit Rs.91,09,438/- as 'extension fee' within 60 days failing which the resumption order shall stand revived. The petitioners have represented against imposition of such heavy amount of extension fee in terms of the HUDA new policy dated 11.08.2016 (P-23). Finding no response to their representations, the petitioners filed the instant writ petition.

Prima-facie, it appears that the petitioners are being harassed only to extract 'extension' fee from them in a totally unjustifiable manner. However, without expressing any final views on merits at this stage more so when we have not heard HUDA authorities at this juncture, the writ petition is disposed of with a direction to respondent Nos.2 to 4 to call for the records and decide the petitioners' applications dated 15.12.2016 and 03.01.2017 in the light of HUDA policy dated 11.08.2016, within a period of four months from the date of receiving a certified copy of this order.

Meanwhile, demolition of the petitioners' house and/or any coercive action against them for the recovery of extension fee shall remain stayed.

Dasti.

[SURYA KANT]
JUDGE

June 02, 2017
mohinder

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No