

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-18993-2017

Date of Decision: 24.8.2017

Ashok Taneja and another

....Petitioners.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. Mrigank Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing respondent No.3 to waive off charging of interest of ₹ 19,16,852/- on account of delay in depositing the enhanced compensation as mentioned in the account statement dated 7.6.2017 (Annexure P-7). Further, respondent No.3 be directed to sanction the building plans of plot No. 441, Sector 43, Gurugram.

2. Originally, plot No. 441, Sector 43, Gurgaon-11, measuring 220 square meter was allotted to one Shri Rajinder Parshad Sharma and Raghunath Parshad Sharma by way of allotment of sale on free hold basis vide allotment letter dated 31.5.2002 (Annexure P-1). The said allottee deposited 25% of the tentative price of the plot in question and sought

allotted to said Shri Kamal Ahuja vide re-allotment letter dated 29.1.2003 (Annexure P-2). All the installments of the plot in question were deposited well in time by the said re-allottee. The petitioners vide sale deed dated 9.2.2010 (Annexure P-3) purchased the plot in question from Shri Kamal Ahuja and respondent No.2 vide re-allotment letter dated 26.3.2010 (Annexure P-3) transferred the said plot in favour of the petitioners. Since the petitioners wanted to start construction over the plot in question, therefore, they submitted the building plans (Annexure P-4) which were not accepted by respondent No.3 due to non-payment of dues of ₹ 45,38,045/- on account of enhanced land compensation. According to the petitioners, they did not receive any notice of enhanced compensation from respondent No.3 as the ownership of the plot in question was not updated in the records of the respondents. As per the account statement dated 19.5.2017 (Annexure P-6), the ownership of the plot in question is in the name of Shri Kamal Ahuja (re-allottee). The petitioners approached respondent No.3 for correction of the balance of the dues and change of ownership in the records. Vide account statement dated 7.6.2017 (Annexure P-7), the petitioners were asked to deposit a sum of ₹ 45,38,045/-. The correction in the name of the ownership was made only on 7.6.2017. Accordingly, the petitioners moved the representations dated 6.6.2017 (Annexure P-8) and dated 21.6.2017 (Annexure P-9) to respondents No.2 and 3 for waiving off the interest charged on account of delay in depositing the enhanced compensation, but to no effect. Thereafter, the petitioners sent the representations dated 3.7.2017 and 13.7.2017 (Annexures P-10 and P-11, respectively) to respondent No.1 and the Chief Minister, Haryana for the said purpose, but no response has been received till date. Even the

petitioners are ready to deposit the principal amount of the enhanced land compensation and got prepared a cheque of ₹ 26,21,463/- dated 18.8.2017 (Annexure P-12) in favour of the Estate Officer, HUDA, Gurugram. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have submitted the representations dated 6.6.2017 (Annexure P-8), dated 21.6.2017 (Annexure P-9), dated 3.7.2017 and dated 13.7.2017 (Annexures P-10 and P-11, respectively) to the respondents and the Chief Minister, Haryana, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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.2 to take a decision on the representation dated 6.6.2017 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 24, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No