

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26981 of 2015 (O&M)

Date of Decision: 26.05.2017

Rajesh Kumar

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE HARI PAL VERMA**

Present: Dr. Surya Parkash, Advocate for the petitioner

Mr. Vijesh Sharma, DAG Haryana

Mr. Deepak Balyan, Advocate for HUDA

SURYA KANT, J. (Oral)

(1) The petitioner seeks a writ in the nature of mandamus to direct the HUDA authorities to hand over the actual physical possession of plot No.2019-A, Sector 57, Gurgaon measuring 14 marla "*without claiming any interest on unpaid instalments and enhancement*".

(2) The above-stated plot was re-allotted vide letter dated 17.04.2006 (P1) wherein it is clearly stipulated that the instalments shall be paid with interest of 15% per annum and that no separate order shall be sent for payment of said instalments. Clause 19 of the re-allotment letter says that "*in case of delay of payment of instalment/enhancement, 18% and 15% interest shall be charged respectively*".

(3) The Estate Officer, HUDA appeared on the previous date of hearing and made a statement that the petitioner is required to clear the dues whereupon the authorities have never refused to deliver the physical possession.

(4) In this view of the matter, we dispose of the writ petition with a direction to the Estate Officer-II, HUDA, Gurugram to communicate the due

shall deposit the amount without prejudice to his legal rights whereupon the physical possession of the plot shall be handed over to him within two weeks. The amount shall be determined as per HUDA Regulations read with the terms and conditions of allotment. The petitioner, if need be, may approach the higher authorities against the determination of dues.

(5) Ordered accordingly.

(Surya Kant)
Judge

26.05.2017
vishal shonkar

(Hari Pal Verma)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No