

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27003-2017

Date of Decision: 5.12.2017

Harjit Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. S.S. Rang, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to pay interest on the deposited amount utilized by the respondents for two years due to delay in delivery of possession.

2. The petitioner vide application dated 10.1.2012, applied to respondent No.3 for the allotment of a residential apartment Type-3 in Purb Premium Apartments under Riot Victim Category at Sector 88, SAS Nagar (Mohali). The draw of lots was held on 20.5.2012 and the petitioner being successful in the same was issued the Letter of Intent (LOI) dated 23.5.2012 (Annexure P-1) for the allotment of a residential apartment Type-3 by

respondent No.3. As per the terms and conditions of LOI, the petitioner deposited 95% of the total cost of the flat and the remaining 5% amount was to be paid on receipt of physical possession of the flat. Further, as per the LOI, the possession of the flat was to be delivered within 36 months from the date of issuance of the LOI, i.e., upto 22.5.2015. Since the respondents failed to deliver the possession within the time frame, the petitioner sent a legal notice dated 24.10.2016 (Annexure P-2) to respondents No.2 and 3 for possession of the flat. When no action was taken thereon, the petitioner sent a reminder dated 20.1.2017 (Annexure P-3) to respondents No.2 and 3. Ultimately, the possession of the flat was delivered to the petitioner on 7.7.2017 after a gap of two years. Thereafter, the petitioner sent a legal notice dated 13.7.2017 (Annexure P-4) to respondents No.2 and 3 for the payment of interest for utilizing the amount for a period of more than two years, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner served a legal notice dated 13.7.2017 (Annexure P-4) upon respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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 legal notice dated 13.7.2017 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order. It is further directed

that in case the petitioner is found entitled to the payment of interest, the same be released to him within next month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

December 5, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No