

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27722-2017

Date of Decision: 6.12.2017

Awasiya Jan Kalyan Samiti (Regd.), Faridabad

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

**PRESENT: Mr. Arun Jain, Senior Advocate with
Mr. Sunil Sharma, Advocate for the petitioner.**

AJAY KUMAR MITTAL, J.

1. By way of instant 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 certiorari for quashing the notices dated 1.9.2017 (Annexure P-5 Colly) demanding enhancement/additional price from the residents of the area/members of the petitioner-society.

2. In the year, 1989, State of Haryana acquired the land measuring 233.54 acres at the instance of respondent No.2 for carving out Sector 48, Part I, Faridabad. The original layout plan of development was prepared in the year 1991. The said layout plan was revised in the year 1999 (Annexure P-1). At the time of allotment, the price was ranging from ₹ 855/- per square meter to ₹ 950/- per square meter as is clear from the allotment letter dated 19.8.1992 (Annexure P-2) and since then many of the members of the

petitioner had constructed their houses. While determining the price, the

respondents had already charged the enhancement and other development and ancillary charges. Thereafter, the respondents have proceeded to shift the burden of enhancement of the entire area of 233.54 acres on the plot holders. After the allotment, first demand for enhancement was made at the rate of ₹ 137.24 per square yard in the year 1994 which was made by the allottees. The respondents were required to undertake the development works and provide amenities to the allottees well within time, but nothing has been done till date as is clear from the photographs (Annexure P-3 Colly). Vide letter dated 9.8.2017 (Annexure P-4), the respondents raised a second demand for addition price on account of enhancement in the compensation. On that basis, respondent No.4 issued notices dated 31.8.2017 (Annexure P-5 Colly) to the members of the petitioner for the payment of additional amount of ₹ 3045/- per square meters. As per the calculation sheet, the respondents had also added ₹ 22/- per square meter as interest w.e.f. 1994, even though the possession of plots was given to the allottees in the year 2000-01 as is discernible from one of the letter of possession dated 14.3.2000 (Annexure P-6). As per the inspection report dated 30.6.2009 (Annexure P-7), the development works and amenities are lacking on various aspects. Accordingly, the petitioner made a representation dated 25.9.2017 (Annexure P-8) to respondent No.2 with copies to the Administrator, HUDA, Sector-12, Faridabad and respondent No.3 for withdrawal of the notice for recovery of additional price, but no response has been received till date. The petitioner also sought information under the Right to Information Act, 2005 vide letter dated 4.10.2017 (Annexure P-9), but to no effect. Hence, the present writ petition.

3.

Learned counsel for the petitioner submitted that for the relief

claimed in the writ petition, the petitioner has made a representation dated 25.9.2017 (Annexure P-8) to respondent No.2 with copies to the Administrator, HUDA, Sector-12, Faridabad and respondent No.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 representation dated 25.9.2017 (Annexure P-8), 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.

(AJAY KUMAR MITTAL)
JUDGE

December 6, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No