

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27732-2017

Date of Decision: 6.12.2017

Sunder Madaan and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

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

AJAY KUMAR MITTAL, J.

1. By way of instant 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 the respondents to allot an alternative plot in lieu of Plot No. 534, Sector 7, Urban Estate, Panipat. Further, a direction has been sought to the respondents to issue re-allotment letter in favour of petitioners No.1 and 2 in view of the transfer permission granted vide letter dated 30.3.2017 (Annexure P-4) on the application of petitioner No.3.

2. Initially, Plot No.534, Sector 7, Panipat, measuring 877.50 square meters was allotted to father of petitioner No.3 vide allotment letter dated 24.10.2008 (Annexure P-1). The said plot was re-allotted to petitioner No.3 by respondent No.4 vide re-allotment letter dated 20.10.2009 (Annexure P-2) in view of family transfer permission dated

30.9.2009. Thereafter, petitioner No.3 requested respondent No.4 for handing over the physical possession of the plot in question. The respondents informed petitioner No.3 that the area of carved out plot Nos. 529-P to 541-P, Sector-7, Panipat were under litigation. Respondent No.2 framed a policy dated 18.2.2013 (Annexure P-3) for exchange of plots. The petitioners requested the respondents for the allotment of alternative plot in lieu of plot No.534, Sector 7, Panipat, but to no effect. Petitioners No.1 and 2 purchased the said plot from petitioner No.3 on the payment of entire agreed amount after getting transfer permission dated 30.3.2017 (Annexure P-4) from respondent No.4. Petitioners No.1 and 2 sent a legal notice dated 4.7.2017 (Annexure P-5) to respondent No.4 for issuance of re-allotment letter of Plot No.534, Sector 7, Urban Estate, Panipat, but to no effect. The allottees of Plot Nos. 530-A and 530-B filed CWP Nos. 10673 and 10755 of 2014 and this Court vide orders dated 28.5.2014 (Annexure P-6) directed the respondents to consider the claim of the petitioners therein. After coming to know about the orders, Annexure P-6, the petitioners sent a legal notice dated 17.10.2017 (Annexure P-7) to respondents No.2 to 4 for the allotment of an alternative plot in lieu of plot No.534, Sector 7, Urban Estate, Panipat and to issue re-allotment letter in favour of petitioners No.1 and 2, but no response has been received till date. However, respondent No.3 vide letter dated 17.11.2017 (Annexure P-8) requested respondent No.2 for advice in the allotment of alternate plot, but to no effect. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have served legal notices dated 4.10.2017 and 17.10.2017 (Annexures P-5 and P-7, respectively) upon

respondents No.2 to 4, 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.3 to take a decision on the legal notices dated 4.10.2017 and 17.10.2017 (Annexures P-5 and P-7, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of one month 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