

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27751-2017

Date of Decision: 6.12.2017

Bhupinder Singh

....Petitioner.

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 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 mandamus directing the respondents to allot an alternative plot in lieu of Plot No. 530, Sector 7, Urban Estate, Panipat. Further, a direction has been sought to the respondents to pay interest on the amount deposited by the petitioner as the said amount was being utilized by the respondents for years together without giving actual possession of the allotted residential plot.

2. Initially, Plot No.530, Sector 7, Panipat, measuring 877.50 square meters was allotted to Smt. Rashmi Goel vide allotment letter dated 24.10.2008 (Annexure P-1). The said plot was re-allotted to the petitioner by respondent No.4 vide re-allotment letter dated 31.10.2011 (Annexure P-2) in view of transfer permission dated 19.8.2011. In the year 2011, the

petitioner requested respondent No.4 for handing over the physical possession of the plot in question. The respondents informed the petitioner that the area of carved out plot Nos. 529 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 petitioner requested the respondents for the allotment of alternative plot in lieu of plot No.530, Sector 7, Panipat, but to no effect. The allottees of plot Nos.530-A and 530-B filed CWP Nos. 10673 and 10755 of 2014 for the allotment of alternative plots and this Court vide order dated 28.5.2014 (Annexure P-4) passed in CWP No. 10755-2014 directed the respondents to consider the claim of the petitioners therein for the allotment of an alternative plot. After coming to know about the order, Annexure P-4, the petitioner sent a legal notice dated 12.10.2017 (Annexure P-5) to respondents No.2 to 4 for the allotment of an alternative plot in lieu of plot No.530, Sector 7, Urban Estate, Panipat, but no response has been received till date. However, respondent No.3 vide letter dated 17.11.2017 (Annexure P-6) 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 petitioner submitted that for the relief claimed in the writ petition, the petitioner has served a legal notice dated 12.10.2017 (Annexure P-5) upon respondents No.2 to 4, 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.3 to take a decision on the legal notice dated 12.10.2017 (Annexure P-5), in

accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner 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