

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.361 of 2017 (O&M)

Date of decision:12.01.2017

Anand S.Gupta

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sumit Jain, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner was allotted Plot No.1737, Part-II, Phase-I, Sectors 53-54 of the Urban Town Developed by the Society at Wazirabad, Gurgaon, measuring 1000 sq.yards, vide allotment-cum-possession letter dated 04.06.2004 but failed to execute the conveyance deed in his favour.

The petitioner then approached the Registrar, Cooperative Societies, Haryana making a reference under Section 102 of the Haryana Cooperative Societies Act, 1984 (for short,'the Act'). The reference was accepted, holding that the membership of the petitioner is genuine and directed the management of the society to clear the list of all such eligible members of the society including the petitioner, and fix their clear seniority in the next four months. It was also held that the petitioner would be considered for allotment of vacant plot as per laws and bye-laws of the society within next six months.

Since the society did not pass any appropriate order in favour of the petitioner, therefore, the present writ petition is filed.

Learned counsel for the petitioner has submitted that he had already paid the entire dues long ago which has been adjusted and the petitioner has been found as genuine member of the society, still neither conveyance deed has been executed in favour of the petitioner in respect of plot No.1737 nor any alternative plot has been allotted.

Learned counsel for the petitioner has submitted that allotment and execution of conveyance deed in his favour is being delayed, though the matter pertains to the year 1999 and 17 years have already passed. It is submitted that appropriate direction may be issued to the society to allot the petitioner an alternative plot of similar size on the price which has already been paid by him.

Keeping in view the facts and circumstances of the case and the agony the petitioner has suffered, the society is directed to allot an alternative plot of the same size i.e. 1000 sq. yards, in the society, on the price which has already been paid by the petitioner and conveyance deed be executed in his favour. The entire exercise be completed within a period of four months from the date of passing of the order.

Civil Writ Petition stands disposed of.

(AMIT RAWAL)
JUDGE

January 12, 2017

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No