

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.3995 of 2017.

Date of Decision: March 01, 2017

Dharam Singh

.....Petitioner

versus

Haryana Urban Development Authority and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Vivek Khatri, Advocate, for the petitioner.

Mr.Deepak Balyan, DAG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Deepak Balyan, learned Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Let two copies of the writ petition be supplied to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The petitioner is an Ex-serviceman. He applied for allotment of a plot of 10 marla in size in Defence Sector developed by HUDA at Karnal and being successful in draw of lots, he was allotted plot No.259-P, Sector-32, Karnal. However, possession has been denied on the ground that the petitioner could not apply for a plot measuring 10 marla for the reason that as per his rank in the Army, he is eligible for allotment of a smaller plot upto 8 marla in size only.

During the course of hearing, learned counsel for the parties are

ad-idem that the point in issue involved in this petition is squarely covered by the decision of this Court in CWP No.13630 of 2012 (Chander Bhan Sharma versus Haryana Urban Development Authority and others) decided on 10.10.2012, against which Special Leave Petition has been dismissed by the Hon'ble Supreme Court vide order dated 12.07.2016.

The instant writ petition is accordingly allowed in terms of the above-cited decision. Consequently, HUDA-authorities are directed to verify the facts and if found correct, to allot a plot to the petitioner being successful in draw of lots as the plot has already been kept reserved by this Court vide order dated 21.03.2013.

Needful shall be done within a period of two months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

March 01, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No