

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.4443 of 2017

Date of Decision: March 06, 2017

Surender Singh Jakhar and othersPetitioners

versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Ashish Gupta, Advocate, for the petitioners.

-. -

Surya Kant, J. (Oral)

The petitioners are allottees of plots in Sector-20, part-III, Urban Estate, Sirsa. Their grievance is against the demand notices served by HUDA authorities towards payment of interest charged on delayed payment of installments of allotment price. The petitioners claim that the demand sought to be recovered from them is a 'possession interest' which is unknown term in the matter of disputes arising out of allotment of plots on installments. The grievance of the petitioners is that several basic amenities are yet to be provided, hence the respondents are not entitled to charge interest on the delayed payments. Reliance is placed on various judgments of this Court in (i) Vinod Mittal and others versus State of Haryana and others, 2009 (4)RCR (Civil) 528; (ii) The Ambala Urban Estate Welfare Society versus Haryana Urban Development Authority and another, 1994(3) PLR 630; and (iii) Pankaj Sharma and others versus State of Haryana and others, 2003 (4) RCR (Civil) 110.

We have heard learned counsel for the petitioners.

In total contrast to what the petitioners have averred, HUDA authorities vide memo like dated 07.04.2011 (P-3) have offered possession of plots to the petitioners and in the said letter, it is categorically averred that, ***“the development works i.e, water supply, approach road, sewerage and electrification in the above sector/urban estate has been completed. You are therefore, requested to obtain the possession of your plot by visiting this office (concerned J.E.) on any working day between 10.00 a.m. to 4.00 p.m. either personally or through your authorized representative....”***

It may thus be seen that the petitioners' contention regarding non-completion of development works is a seriously disputed question of fact which can not be effectively adjudicated by this Court without the aid of evidence to be led by both the parties.

The petitioners' contention that they are not liable to pay interest on the delayed installments towards allotment price also appears to be contrary to the terms and conditions of the allotment letter/re-allotment letters like dated 04.03.2010 (P-2), wherein schedule of payment of installments alongwith interest is expressly prescribed and the petitioners have agreed thereto unconditionally.

The judgments relied upon by the petitioners are based upon either terms and conditions of the allotment or the regulations.

In the light of the fact that the writ petition involves disputed questions of facts, we do not deem it necessary to express any final opinion on the petitioners' contentions moreso when the only material relied upon in support of their contentions is some news items published in daily

newspapers. We thus decline to entertain this writ petition and relegate the petitioners to an appropriate alternative remedy.

Ordered accordingly.

[SURYA KANT]
JUDGE

March 06, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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