

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5715 of 2017.

Date of Decision: March 20, 2017

Shivendra Kumar 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.H.S.Sitta. Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner was allotted Plot No.361 in Sectors 44 & 47, Urban Estate, Faridabad, vide allotment letter dated 08.01.2002. The petitioner has already paid full allotment price but possession of the plot has not been delivered to him for unknown, undisclosed and *per se* arbitrary reasons.

The petitioner who is settled abroad, has represented the authorities several times including through E-Mail for the delivery of possession and/or to allot him an alternative plot which must be free from all encumbrances and/or litigation but no heed has been paid to his request.

In somewhat similar circumstances, an allottee of a residential plot in Faridabad approached this Court through CWP No.11518 of 2013 (Dr.O.P.Mohindru versus Haryana Urban Development Authority and others). This Court while deciding that writ petition vide order dated 27.01.2014 (P-3) directed that not only the writ petitioner but other affected allottees be also given alternative plots alongwith possession by a cut off date. The petitioner has not been extended the benefit of that order as well.

He served the authorities with a legal notice dated 19.11.2015 (P-6) but

finding no response thereto, the instant writ petition has been filed.

Having heard learned counsel for the petitioner, *prima-facie*, we are satisfied that HUDA authorities are harassing the petitioner by not giving possession of the allotted plot. If there is any impediment against delivery of possession of that plot, it is imperative upon them to consider his request for allotment of an alternative plot which must be free from all encumbrances and litigation. Since such prayer has been made by the petitioner before the respondent-authorities including in the legal notice, we dispose of this writ petition with a direction to the respondents to consider the above-mentioned claim of the petitioner in the light of the order dated 27.01.2014 passed by this Court in Dr.O.P.Mohindru's case (supra).

Let an appropriate decision be taken within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 20, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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