

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 9392 of 2017

Date of Decision: 4.5.2017

Gandharv Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Arvind Kashyap, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 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 to him in Sector 45, Faridabad in lieu of plot No. 465, Sector 45, Faridabad originally allotted to the petitioner in the year 2002 vide letter dated 21.9.2002 (Annexure P-1). Further, prayer has been made for quashing the letter dated 17.9.2015 (Annexure P-6) vide which alternative plot No. 1476, Sector 64, Faridabad was allotted to the petitioner.

2. The petitioner was allotted residential plot No. 465, Sector 45, Faridabad in Freedom Fighter Category on free hold basis vide allotment letter dated 21.9.1992 (Annexure P-1). As per the receipts (Annexure P-2 Colly), the petitioner had deposited the requisite amount prior to the allotment and thereafter as per the demand of the Haryana Urban

Development Authority (HUDA). However, due to some dispute between

the HUDA and the Forest Department, the possession of plot in question could not be given to the petitioner. The HUDA charged extension fee from the petitioner even without giving the possession. The petitioner vide letter dated 13.2.2003 (Annexure P-3) sought refund of the extension fee. The HUDA issued a revised policy dated 18.2.2013 (Annexure P-4) for exchange of plot. In pursuance thereto, the petitioner was entitled for the allotment of an alternative plot in Sector 45, Faridabad or in any other sector. In the year 2015, the HUDA gave option to the petitioner for allotment of alternative plot in some other sector in Faridabad as they were having no alternative plot in Sector 45, Faridabad. Respondent No.3 vide letter dated 24.7.2013 (Annexure P-5) asked the petitioner to appear for mini draw of lots for disputed plot No. 465, Sector 45, Faridabad. Vide letter dated 17.9.2015 (Annexure P-6), the petitioner was allotted alternative plot No. 1476, Sector 64, Faridabad in lieu of the plot in question. Thereafter, the petitioner served a legal notice dated 21.3.2017 (Annexure P-7) upon respondents No.2 and 3 for the allotment of an alternative plot in Sector 45, Faridabad, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 21.3.2017 (Annexure P-7) to respondents No.2 and 3, 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 21.3.2017 (Annexure P-7), in

accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 4, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No