

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

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**CWP No. 14864 OF 2016
DECIDED ON : 08.02.2018**

Madhu Bala

...Petitioner

versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present : Mr. Vikas Kuthiala, Advocate for
Mr. Sunil Narang, Advocate,
for the petitioner.

Mr. D. R. Singla, DAG, Haryana.

Mr. Deepak Sabherwal, Advocate,
for respondents No.2 to 4.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioner had approached this Court under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, for issuance of directions to respondents No.2 to 4-Haryana Urban Development Authority (in short "the HUDA"), for delivery of physical possession of Booth No.417, Sector-8, Panchkula, which was purchased by the petitioner and her husband late Surinder Kumar Mahajan, in an auction held in the year 2002.

2. On 14.02.2017, learned counsel for respondent-HUDA made a statement before this Court that the matter of the

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petitioner was under active consideration of the Authority. Thereafter, the physical possession of booth could not be delivered to the petitioner, as it was found by HUDA that Booth No.417, Sector-8, Panchkula, was not in existence. On the aforesaid premise, learned counsel for respondent-HUDA had made a statement that letter for allotment of an alternative booth was under consideration of the allotment Authority.

3. Learned counsel for the respondent-HUDA has produced photocopies of the documents, wherein the petitioner had consented on 31.05.2017 to participate in the mini-draw to be held in the office room of Estate Office, HUDA, Panchkula, for allotment of an alternative site in lieu of Booth No.417, Sector-8, Panchkula. He has placed on record the letter of allotment issued by the Estate Officer, HUDA, Panchkula to the petitioner on 05.06.2017, intimating that she has been allotted Booth No.426, Sector-8, Panchkula in lieu of Booth No.417, Sector-8, Panchkula on the same rates, terms and conditions of allotment letter issued vide memo No.6373 dated 02.04.2002. It is further submitted that she shall further be governed by the provisions of HUDA Act, 1977 Rules and Regulations framed thereunder and policy guidelines governing the exchange of booth. The said documents are taken on record. Office to tag the same at their appropriate place.

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4. Learned counsel for the petitioner submitted that while paying the instalments of earlier Booth No.417, certain amount of interest and penalty had been charged. A prayer was made that as the same was not leviable, the petitioner be given liberty to approach the HUDA authorities for adjustment/refund of the aforesaid amount. However, the said prayer has been opposed by learned counsel for respondent-HUDA on the ground that market rate of the alternative booth is much more. Be that as it may, without expressing any opinion on the merits of the controversy, while disposing of the writ petition, we grant liberty to the petitioner to approach the HUDA authorities for any grievance that may be subsisting after the allotment of Booth No.426, Sector-8, Panchkula, in accordance with law.

5. The writ petition stands disposed of accordingly.

**(AJAY KUMAR MITTAL)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

FEBRUARY 08, 2018
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Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO