

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10095-2018

Date of Decision: 25.4.2018

Welfare Association, Sector 15, Part I, Urban Estate, Sonapat

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Vikas Deep, Advocate for the petitioner.

**AJAY KUMAR MITTAL, J.**

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the letter dated 8.7.2004 (Annexure P-5) issued by respondent No.3 raising demand of additional price.

2. As per the list dated 29.8.2005 (Annexure P-3), the land of the persons mentioned therein was acquired by the State of Haryana vide notification dated 20.4.1982 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification under Section 6 of the Act for setting up a housing project in Sector 15, Sonapat. The award was passed on 7.12.1984. Subsequently, the commercial plots were auctioned and the residential plots of various sizes were allotted by the HUDA in Sector 15, Part I, Sonapat to various individuals. The landowners

vide award dated 31.1.1989 enhanced the compensation. Vide notice dated 13.3.1990 (Annexure P-4), respondent No.3 demanded the payment of additional price. The landowners filed appeals for further enhancement in this Court. This Court vide common order dated 20.8.2004 passed in RFA-528-1990 while deciding a bunch of appeals enhanced the compensation from ₹ 25/- to ₹ 30/- per square yard only to the landowners who approached this Court. The said compensation was enhanced to ₹ 45/- by this Supreme Court vide order dated 22.7.2010 in SLP(C)-9337-2005. However, respondent No.3 vide notice dated 12.2.2018 (Annexure P-5) raised demand of enhanced compensation from the petitioner. Accordingly, the members of the petitioner sent a letter dated 24.1.2018 along with the calculation sheet (Annexure P-6) to respondent No.1 for regarding enhancement, but to no effect. Thereafter, the petitioner served a legal notice dated 12.3.2018 (Annexure P-7) to respondent No.1 for withdrawal of the demand notice, 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 letter dated 24.1.2018 (Annexure P-6) followed by a legal notice dated 12.3.2018 (Annexure P-7) to respondent No.1, 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.1 to take a decision on the letter dated 24.1.2018 (Annexure P-6) and the legal notice dated 12.3.2018 (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 the certified copy of the order.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**April 25, 2018**  
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**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

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|----------------------------------|---------------|
| <b>Whether Speaking/Reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |