

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-1029-2018

Date of Decision: 19.1.2018

Sunita Devi

....Petitioner.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Munish Kumar Garg, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to consider her representation dated 7.12.2017 (Annexure P-15) and to allot plot No.2592-C or 2592-D (Annexure P-17) instead of plot No. 2592-E which was allotted as alternative plot in lieu of disputed plot No. 696, Sector 57, Gurgaon vide exchange letter dated 3.10.2012 (Annexure P-6) as the area of plot No. 2592-E was found lesser at the time of issuance of possession certificate dated 28.6.2017 (Annexure P-9) than the area which was initially allotted vide allotment letter dated 30.5.2007 (Annexure P-4); to refund an amount of ₹ 2,70,281/- charged in excess and also to refund the penal interest charged on enhancement vide letter dated 2.1.2013 (Annexure P-7) on the area of 171 square meters in terms of allotment letter dated 11.2.2005

(Annexure P-1). Further, a writ of certiorari has been sought for quashing the order dated 3.11.2017 (Annexure P-12).

2. One Sandeep son of Shri Azad Singh applied for the allotment of a residential plot in Sector 57, Gurgaon and in the draw of lots, he was allotted plot No. 696, Sector 57, Gurgaon vide allotment letter dated 11.2.2005 (Annexure P-1). The said plot was transferred in favour of one Shri Kulbhushan Gupta vide re-allotment letter dated 11.4.2005 (Annexure P-2) and therefrom the plot in question was transferred in favour of Ms. Swati Anand vide re-allotment letter dated 3.10.2006 (Annexure P-3). Said Swati Anand, the plot was transferred in favour of the petitioner vide re-allotment letter dated 30.5.2007 (Annexure P-4). Respondent No.2 vide letter dated 7.9.2012 (Annexure P-5) informed the petitioner that plot in question was a disputed plot and for alternative plot her name was mentioned in the mini draw in lieu of disputed plots of Sector 57, Gurgaon to be held on 21.9.2012 at 10.00 AM. Thereafter, respondent No.2 vide exchange letter of allotment dated 3.10.2012 (Annexure P-6) allotted plot No. 2592-E, Sector 57, Gurgaon instead of plot in question. Further, vide letter dated 2.1.2013 (Annexure P-7), respondent No.2 claimed enhancement from the petitioner as against plot No.2592-E, Sector 57, Gurgaon. Respondent No.2 vide letter dated 29.8.2013 (Annexure P-8) offered the possession of plot No. 2592-E to the petitioner and demanded revised installments to be accrued from 8.9.2013. The possession certificate dated 28.6.2017 (Annexure P-9) was issued in favour of the petitioner of the area measuring 154.17 square meters. As per the allottee account statement dated 29.6.2017 (Annexure P-10), the petitioner made all the payments as claimed by respondent No.2. Vide application dated 22.9.2017 (Annexure

P-11), the petitioner claimed refund of the interest as per the amended policy of the HUDA. Thereafter, the petitioner made a complaint dated 22.9.2017 on the Chief Minister Grievance window and the same was duly replied by respondent No.2 vide letter dated 3.11.2017 (Annexure P-12). The petitioner through her husband demanded the copy of the HUDA amendment policy under the Right to Information Act, 2005 which was supplied vide letter dated 24.11.2017 (Annexure P-13). The petitioner also made a complaint against Shri Balraj Singh, Accountant in the office of respondent No.2 which was duly replied vide letter dated 30.11.2017 (Annexure P-14). Thereafter, the petitioner moved a representation dated 7.12.2017 (Annexure P-15) to respondent No.1 with copies to the Administrator, HUDA and respondent No.2 for the allotment of plot No.2592-C or 2592-D in lieu of plot No. 2592-E, but no response has been received till date. The petitioner vide application dated 10.11.2017 sought copy of demarcation plan of plot Nos. 2592-B to 2592-G under the Right to Information Act, 2005 which was duly supplied vide letter dated 21.12.2017 (Annexure P-16). The information (Annexure P-17 Colly) of plot Nos. 2592-C and 2592-D was obtained from the website. 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 representation dated 7.12.2017 (Annexure P-15) to respondent No.1 with copies to the Administrator and respondent No.2, 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.2 to take a decision on the representation dated 7.12.2017 (Annexure P-15), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 19, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No