

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10615-2018

Date of Decision: 30.4.2018

Surinder Pal Singh

....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. Kunal Dawar, 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 mandamus directing respondents No.3 and 4 to accept the application dated 7.11.2017 (Annexure P-4) for surrender of plot, pursuant to the letter dated 27.10.2017 (Annexure P-3) informing the petitioner about being successful in the draw of plots of Sector 21-P, Rohtak held on 16.10.2017.

2. Respondent No.2 vide advertisement, Annexure P-1, invited applications for the allotment of residential plots in Sector 21 (Part), Rohtak by draw of lots. In response thereto, the petitioner submitted his online application, Annexure P-2 for the allotment of 14 marla plot in general category after getting the earnest money financed from respondent No.5.

vide letter dated 27.10.2017 (Annexure P-3) that he had been successful in the draw of lots of Sector 21-P, Rohtak under the general category and the allotment letter was to be issued subject to furnishing of certain documents including the acceptance letter etc. The petitioner vide letter dated 7.11.2017 (Annexure P-4) informed respondent No.4 for surrender of the plot and requested for refund of the earnest money. Vide letter dated 9.11.2017 (Annexure P-5), the petitioner informed respondent No.5 that he had already written a letter for surrendering his plot to respondent No.4 and that the earnest money would be directly credited in the bank account. When no response was received from respondent No.4 and the petitioner was being approached by respondent No.5, the petitioner again sent a letter dated 9.3.2018 (Annexure P-6) to respondent No.4 and the letter dated 4.1.2008 (Annexure P-7) was sent to respondent No.5 that the amount would be credited in the bank account by respondent No.4. As per instructions dated 30.11.2017 (Annexure P-8), whenever an allottee surrendered his plot within a period of 60 days from the issuance of the allotment letter, the concerned Estate Officer was to refund the amount after deducting 10% of the total consideration amount including the interest and penalty, if any. However, till date no action has been taken on the letter dated 7.11.2017 (Annexure P-4) sent by the petitioner to respondent No.4. 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 7.11.2017 (Annexure P-4) to respondent No.4, 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.4 to take a decision on the letter dated 7.11.2017 (Annexure P-4), 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

April 30, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No