

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10780-2018

Date of Decision: 2.5.2018

Navjyot Kaur

....Petitioner.

Versus

Greater Mohali Area Development Authority (GMADA), Mohali

...Respondent.

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

PRESENT: Mr. Somesh Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 respondent either to grant seven feet wide green strip adjoining the plot, as per policy and granted to similarly situated person vide letter dated 23.1.2018 (Annexure P-9) or waive off PLC 10% as demanded vide letter dated 12.5.2017 (Annexure P-4) and to issue the allotment letter to the petitioner as she had already paid ₹ 1,08,41,853/- vide calculation report dated 12.5.2017 (Annexure P-5).

2. The respondent invited the applications for the allotment of residential plots in ECO City (Phase I), New Chandigarh (Mullanpur). As per the brochure (Annexure P-1), the Scheme was opened on 21.9.2011 and closed on 21.10.2011. In response thereto, the petitioner applied for the

In the draw of lots was held on 28.11.2011, the petitioner was successful and was informed vide intimation letter dated 2.12.2011 (Annexure P-2). She was allotted plot No. 1202-B-8 (Old Plot No.25, Block B, Street No.8) at ECO City (Phase I), New Chandigarh (Mullanpur). The petitioner vide letter dated 4.4.2012 requested the respondent for issuance of Letter of Intent (LOI). The LOI dated 1.2.2012 (Annexure P-3) was issued to the petitioner vide letter dated 16.4.2012. The respondent demanded 10% PLC charges plus interest on PLC charges being the plot in the premium category (corner). As per the calculation report dated 12.5.2017 (Annexure P-4), the respondent demanded a total amount of ₹ 1,06,06,750/-. As per the details dated 12.5.2017 (Annexure P-5), the petitioner had already paid an amount of ₹ 1,08,41,853/- along with interest, but the allotment letter had not been issued to her. The petitioner vide letters dated 23.5.2017 and 26.10.2017 (Annexures P-6 and P-7, respectively) submitted the undertaking and receipts of payment qua the plot in question and to avail the amnesty scheme on payment of the outstanding amount, if any. Accordingly, the petitioner served a legal notice dated 21/22.12.2017 (Annexure P-8) upon the respondent for waiving off PLC 10% on basic price and to issue allotment letter, but to no effect. Vide letter dated 23.1.2018 (Annexure P-9), the respondent granted 7 feet wide green strip from the park to one similarly situated persons, namely, Shri Jeetendra Yadav. The petitioner vide letter dated 1.2.2018 (Annexure P-10) requested for the grant of minimum space in the shape of strip adjoining park for her plot for fencing, landscaping as per the policy, but all in vain. Thereafter, she sent a legal notice dated 16.4.2018 (Annexure P-11) to the respondent for waiving off 10% PLC and to issue the allotment letter, 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 the legal notices dated 21/22.12.2017 and 16.4.2018 (Annexures P-8 and P-11, respectively) to the respondent, 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 the respondent to take a decision on the legal notices dated 21/22.12.2017 and 16.4.2018 (Annexures P-8 and P-11, respectively), 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

May 2, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No