

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16489-2018

Date of Decision: July 09, 2018

Resident Welfare Association, Sector 8, Jind and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Vikram Singh Dhakla, Advocate for the petitioners.

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SURYA KANT, J.(ORAL)

The petitioners are Residents of Welfare Associations of Sectors 8, 7, and 6 of Urban Estate, HUDA at Jind respectively. Their common grievance is that price of plots allotted to their members has been enhanced contrary to the judgment of this Court rendered in RSA No.1860 of 2008, whereby no liability towards payment of interest was allegedly fastened upon the plot holders while enhancing compensation for the land owners. Such a claim has been raised by the petitioner-Association by way of reply-cum-Legal Notice dated 21.09.2017 (Annexure P-4), to the Show Cause Notice.

[2] Meanwhile, HUDA has notified 'One Time Settlement' Scheme on 07.05.2018 whereunder the allottees, who are in default, are entitled to concessions/discounts to the extent of 40%. The Policy nevertheless imposes a condition that the beneficiary allottee shall not be entitled to

same have to be withdrawn. In our considered view, the condition that the allottees will not be entitled to benefit of concession unless they withdraw their pending cases or give an undertaking not to file a court case cannot sustain as their legal rights cannot be curtailed by way of such executive fiat. In this view of the matter, we permit the members of the petitioner-Associations to avail the benefit of 'OTS' Scheme, dated 07.05.2018 without prejudice to their right to pursue the reply-cum-legal Notice dated 21.09.2017. It is directed that payments to be offered by the members of the petitioner-Associations shall be accepted and adjusted subject to the speaking order to be passed on the reply-cum-Legal Notice dated 21.09.2017, for which we grant three months' time to respondent-authorities.

[3] Disposed of.

**(SURYA KANT)
JUDGE**

July 09, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |