

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16726-2018

Date of Decision: July 11, 2018

Asha 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.H.S.Dhillon, Advocate for
Mr.Vikram Singh, Advocate for the petitioners.

.....

SURYA KANT, J.(ORAL)

The petitioners are residents of Sector 1, HUDA Rohtak. Their grievance is that price of plots allotted to them 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 petitioners by way of reply-cum-Legal Notice dated 20.06.2018 (Annexure P-3) 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 rebate upto 40%. The Policy nevertheless imposes a condition that the beneficiary allottee shall not be entitled to litigate the matter in Court and, if any such litigation is already pending, the same shall have to be withdrawn.

In our considered view, the condition that the allottees will not be entitled to benefit of the concession/rebate unless they withdraw their pending cases or give an undertaking not to file a court case is unsustainable as their legal right cannot be curtailed by way of such an executive fiat. In this view of the matter, we permit the petitioners to avail the benefit of 'OTS Scheme', dated 07.05.2018 without prejudice to their right to pursue the reply-cum-legal Notice dated 20.06.2018. It is directed that payments to be offered by the petitioners shall be accepted and adjusted subject to the speaking order to be passed on the reply-cum-Legal Notice dated 20.06.2018, for which we grant three months' time to respondent-authorities.

[3] Disposed of.

(SURYA KANT)
JUDGE

July 11, 2018
meenuss

(SUDIP AHLUWALIA)
JUDGE

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