

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16958 of 2018.

Date of Decision: July 13, 2018

Dr.R.K.Chaurasia and others

.....Petitioners

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: None for the petitioners.

Mr.Lokesh Sinhal, Additional AG, Haryana.

-. -

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 & 2 only at this stage.

On our asking, Mr.Lokesh Sinhal, learned Additional Advocate General, Haryana, accepts notice on their behalf.

Let two copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 & 2 or to serve respondent Nos.3 & 4 at this stage as no order prejudicial to their interest is being passed on merits.

The petitioners are statedly belonging to Economically Weaker Sections of the Society. They applied for allotment of EWS residential units in Sector-76, Faridabad which are the integral part of the Projects launched by respondent No.3-a private builder as per the details given in para No.2 of

2009 they were promised for allotment of EWS residential units but till date no allotment has been made or possession given to them. The petitioners are said to have made 90% of the payment but still allotment and possession both the awaited. It is in this backdrop that a direction is sought to the State authorities to intervene in the matter and ensure that physical possession of the EWS residential units is handed over to the petitioners.

In view of the averments made in the writ petition but without expressing any view on merits of the petitioners' claim, moreso when respondent Nos.3 & 4 have not been heard at this stage, it appears that matter needs to be looked into by the Directorate of Town and Country Planning, Haryana, who are responsible for the grant of licence to respondent No.3 for the project in question whereunder EWS residential units are essentially required to be constructed and allotted to eligible persons. Since we have not taken the view-point of respondent Nos.3 & 4 at this stage, the instant writ petition is disposed of with a direction to respondent No.2 to call upon and hear the representatives of petitioners as well as respondent Nos.3 & 4 and take necessary action as may be required keeping in view the terms and conditions of the licence and/or State Government Policy as well as the binding terms and conditions between the parties, within a period of three months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

July 13, 2018

mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No