

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17676 of 2018

Date of Decision: July 20, 2018

Welfare Association, Urban Estate, Sector-12, Part-II, SonapatPetitioner
versus

Haryana Urban Development Authority and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Navneet Singh, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is a Welfare Association formed by the House Owners of Sector-12, Part-II, Urban Estate, Sonapat. Its grievance is against the show-cause notices dated 27.10.2017 asking its members to deposit additional allotment price @ Rs.3409/- per square meter for General Category and Rs.649.00 per square meter for EWS Category. The reason for the revised demand, as per the HUDA authorities, is the enhancement of compensation by the Court(s) in respect of the acquired land.

The petitioner-Association has multiple grievances against the manner in which the additional price has been demanded. According to it, the interest has been levied from the year 1995 till 2018, whereas, the compensation amount was enhanced by the Courts in the years 2000 and 2010. Its other grievance appears to be that the amount received by HUDA authorities through open auction of commercial and residential sites has not been accounted towards the total liability. All these issues have been raised by the petitioner-Association in its reply to the show-cause notices, a copy whereof submitted by petitioner No.1, is appended on illustrative basis as

Annexures P-10 & 11.

Since the writ petition essentially involves questions of facts pertaining to the manner in which the enhanced allotment price has been determined, the writ petition is disposed of without expressing any views on merits, with a direction to the Estate Officer, HUDA, Sonapat to consider the reply-cum-objections submitted by the petitioner against the impugned show cause notices and decide the same by way of reasoned order(s). The petitioner is permitted to supply a copy of the instant writ petition to the Estate Officer which shall be treated as a supplementary joint representation on behalf of its members and the averments made therein may also be taken into consideration while passing the reasoned order. Let the needful be done within a period of two months from the date of receiving a certified copy of this order. The deposit of enhanced price by the members of petitioner shall be subject to the order to be passed by HUDA authorities.

[SURYA KANT]
JUDGE

July 20, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No