

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.18137 of 2018
Date of Decision: 25.07.2018

Vinod Yadav

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia

Present: Mr. Mukesh Rao, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The grievance of the petitioner in the instant writ petition is that he has been compelled to pay ₹ 15,68,484/- as additional allotment price towards plot No.75, Sector 78, Faridabad measuring 14 marla which was allotted on 27.02.2017 being successful in the draw of lots. The additional demand was raised on the premise that the compensation for the acquired land has been increased by this Court while accepting the Regular First Appeals filed by the expropriated landowners. The petitioner has placed on record judgment of the Hon'ble Supreme Court rendered in **Premwati & Ors. vs. State of Haryana & Anr. (Civil Appeal No.21014-21016 of 2017)** decided on 06.12.2017 (P6) whereby the decision of this Court has been set aside and the matter has been remitted for fresh disposal of the appeals in accordance with law. The petitioner thus contends that no order of enhancement of compensation exists as on date and as such the additional allotment price be directed to be refunded to him along with interest. In this regard, reliance is placed on a decision of the Hon'ble Supreme Court passed in the case of **HUDA and Anr. vs. Residents Welfare Society (Civil Appeal No.21489 of 2008)** decided on 18.01.2010 (P13).

(2) Having heard learned counsel for the petitioner and taking notice of the above-stated facts, we are satisfied that the petitioner's claim regarding refund of the amount charged from him on the plea of enhancement in compensation of acquired land deserves to be decided by HUDA authorities in the light of the decision, cited to above. Since the application for refund moved by the petitioner on 23.02.2018 (P7) is still lying pending, the writ petition is disposed of with a direction to respondent No.2 to 4 to ascertain the facts as averred by the petitioner and take an appropriate decision regarding refund claim within two months from the date of receipt of certified copy of this order.

(Surya Kant)
Judge

25.07.2018

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No

(Sudip Ahluwalia)
Judge