

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

CWP No.18199 of 2018 (O&M)

Date of Decision: 25.07.2018

Yashpal Gandhi

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Vinod S Bhardwaj, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The predecessor-in-interest of the petitioner was allotted Shop-cum-Office (SCO) site No.14, Sector 12-A, Gurugram on free-hold basis being the highest bidder in a public auction. The allotment was made on 12.03.1987. The site was later on transferred in favour of the petitioner by HUDA. The precise case of the petitioner is that the land where the above-stated commercial market including site No.14 has been carved out, is under litigation and the matter is presently *sub judice* before the Hon'ble Supreme Court. It is further averred that due to pending litigation, the possession of allotted site has not been given till date as a result of which the petitioner is unable to construct and start business for which the site was purchased. The petitioner, in these circumstances, seeks a direction for allotment of an alternative site, as according to him, three SCO sites bearing No.44, Sector 31/32-A; SCO No.115 & 131, Sector 46, Gurugram are lying unallotted and thus he can be accommodated by allotting one of these sites which are of equivalent size. The petitioner relies upon the proposal dated 08.07.2016 (P12) sent by Administrator, HUDA Gurugram to the Chief Administrator, HUDA, for allotment of alternative SCO to the petitioner. However, it

appears that no final decision by the competent authority has been taken so far.

(2) As the facts would speak for themselves, the petitioner is unable to take possession of the site for no fault on his part. Since the land where the site is to be developed is statedly under litigation, it appears that the proposal sent by the Administrator, HUDA, Gurugram vide letter dated 08.07.2016 (P12) requires attention of the Chief Administrator, HUDA or the State Government, as the case may be.

(3) Let final decision *re:* allotment of alternative site to the petitioner be thus taken within a period of three months from the date of receipt of certified copy of this order.

(4) Disposed of accordingly.

(Surya Kant)
Judge

25.07.2018

vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*

Yes

2. *Whether reportable?*

No