

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

CWP No. 20246 OF 2017

-1-

**CWP No. 20246 OF 2017
DECIDED ON : 26.02.2018**

Ramesh Chand Nain

...Petitioner

versus

State of Haryana and another

...Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present : Mr. Munish K. Garg, Advocate,
for the petitioner.

Mr. D. R. Singla, DAG, Haryana.

Mr. Anil Chawla, Advocate,
for respondent No.2.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioner, under Articles 226/227 of the Constitution of India, has approached this Court , impugning the order dated 27.04.2017 (Annexure P-10) and order dated 26.04.2017 (Annexure P-13), whereby the petitioner was required to deposit ₹13,81,100/- on account of allotment money i.e 25% within 15 days, which according to the petitioner is totally illegal and unsustainable.

2. The few facts may be noticed herein below.

3. On 15.05.2012, the petitioner was allotted a residential plot at Urban Estate, Sector-32, Karnal measuring 08 marlas, on free hold basis. Along with his application, the petitioner had deposited a sum of ₹1,41,100/- as earnest money. The said application was considered by Haryana Urban Development Authority (in short "the HUDA") and a plot bearing No. 2194, Sector-32, Urban Estate, Karnal

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

CWP No. 20246 OF 2017

-2-

was allotted to the petitioner vide allotment letter Annexure P-1. However, no allotment letter was sent to the petitioner. The HUDA issued an allotment letter drawn in the name of the petitioner and sent the same to Haryana Gramin Bank sponsored by Punjab National Bank as the petitioner had approached them for obtaining loan for depositing margin money of 10%. The Bank handed over the said allotment letter to the petitioner on 09.10.2012. Since no allotment letter was sent directly to the petitioner, as such, he failed to deposit the required amount within 30 days. The petitioner filed an application with the Chief Administrator, HUDA for condonation of delay in depositing 15% of the total amount of the plot. Along with the application, a demand draft of ₹2,70,000/- dated 23.01.2013 was also sent. Vide order dated 23.07.2014, Annexure P-5 application of the petitioner was rejected. His request for condonation of delay in depositing 15% was not accepted. It was decided by the Authorities to refund the amount over and above 10% of the amount. The demand draft of ₹2,70,000/- was also returned. The petitioner filed CWP No. 17349 of 2014 challenging the said order, which was disposed of vide order dated 11.08.2015 Annexure P-8 by quashing order dated 23.07.2014 and the petitioner was held entitled to the benefit of allotment letter dated 15.05.2012 on the condition that the current reserve price fixed by HUDA in respect of a similar plot as mentioned in the allotment letter shall stand substituted along with payment of 18% interest on the installments upto date. The said amount was required to be paid within 60 days. After passing of the order dated 11.08.2015 in CWP No. 17349 of 2014, the petitioner approached the

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

CWP No. 20246 OF 2017

-3-

office of respondent No.2-HUDA so many times for compliance of the said order. Having received no reply from respondent No.2, petitioner sent legal notice dated 10.04.2017 with a request to implement the order dated 11.08.2015. Thereafter on 27.04.2017, respondent No.2 passed an order Annexure P-10 requiring the petitioner to pay current market rate of ₹33,000/- per sq. metre, and as the size of plot was 167.4 sq. metres, the total cost of the plot was determined as ₹55,24,200/-. Accordingly the petitioner was directed to deposit a sum of ₹13,81,100/- i.e 25% of the allotment money. The said order has been challenged in the instant writ petition.

4. The petitioner had challenged the same by filing CWP No.10761 of 2017 which was disposed of vide order dated 18.05.2017 Annexure P-14 by directing the respondents to pass a speaking order on the representation of the petitioner. No speaking order having been passed by the respondents, the petitioner has approached this Court by way of instant writ petition.

5. After issuance of notice of motion, the respondents vide its order dated 22.01.2018 had passed the speaking order which was communicated to the petitioner wherein current reserve rate of the plot was accepted as ₹18,500/- per sq metre quoted by the HUDA authorities. It was further stated that amount of ₹7,74,225/- on account of 25% of the total amount of the plot measuring 167.4 per sq metre was payable by the petitioner.

6. In response to the said speaking order, the petitioner had deposited the requisite amount vide his letter dated 09.02.2018.

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

CWP No. 20246 OF 2017

-4-

7. It was further stated that the demand draft which was sent on 09.02.2018 stands encashed on 23.02.2018. Accordingly, a prayer was made that in view of the above, the grievance of the petitioner stands redressed and he may be allowed to withdraw the present writ petition.

8. The petition stands dismissed as withdrawn.

**(AJAY KUMAR MITTAL)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

FEBRUARY 26, 2018
shalini

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO