

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.19179 of 2018

Date of Decision: August 03, 2018

Sunita Devi

.....Petitioner

versus

Haryana Urban Development Authority and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

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

-. -

Surya Kant, J. (Oral)

The claim of the petitioner for allotment of an alternative plot in lieu of Plot No.2592-E, Sector 57, Gurugram, measuring 171 square meter, on the ground of uneven dimensions, has been turned down by Estate Officer-II HUDA, Gurugram vide the impugned order dated 10.05.2018 on the plea that alternative plot can be allotted only where dimension of front/rear two sides of the plot differs atleast by 20% and the actual area of the plot is increased or decreased more than 20% of the allotted area. The impugned order suggests that in the case of the petitioner, both these conditions are not satisfied.

Learned counsel for the petitioner, however, urges and to that extent rightly so that the Estate Officer-II, HUDA, Gurugram has not specified in the impugned order as to what extent the dimension of the front/rear size of the petitioner's plot differ. According to him, it is actually more than 20% and thus the petitioner is entitled to allotment of an alternative plot as per HUDA policy.

Having heard learned counsel for the petitioner, we find that the contention raised on behalf of the petitioner is essentially a question of fact which can be effectively determined by HUDA authorities after getting the plot re-measured in the presence of petitioner or her representative. The writ petition is accordingly disposed of with liberty to the petitioner to file an appeal/revision petition before the Administrator, HUDA, Gurugram who shall get the fresh measurements, carried out in the presence of petitioner or her representative and determine her claim for allotment of alternative plot accordingly. In case the petitioner approaches the Administrator, HUDA, Gurugram within two weeks from today, let the controversy be resolved within two months thereafter.

Dasti.

**[SURYA KANT]
JUDGE**

August 03, 2018

mohinder

(SUDIP AHLUWALIA)

JUDGE

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