

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

CWP No.19334 of 2018 (O&M)

Date of Decision: 06.08.2018

Meenu Gupta

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Sandeep Sharma, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The claim of the petitioner for allotment of alternative plot in lieu of plot No.1388, Sector 51, Urban Estate Gurugram-II on the plea that development works are lying incomplete and no basic amenities have been provided at the allotted site, has been turned down by the Chief Administrator, HUDA, vide order dated 10.07.2018 observing as follows:-

“It is the contention of the petitioner’s counsel that there was no development over the plot. On 11.05.2018, he sought time to place on record the photographs showing non-development. When the matter was finally heard on 02.07.2018, counsel for the petitioner again did not produce any photographs. It is mentioned that the Executive Engineer was directed vide order dated 11.05.2018 to produce the record of development. Executive Engineer, HSVP, Division No.V, Gurugram vide his office letter No.117713 dated 11.06.2018 sent a detailed report regarding completion of development works of road, water supply and sewerage. He also submitted the documents vide which work of completion of work was entrusted to the contractors. After the development works were completed, the Executive Engineer sent a communication dated 21.06.2013 to the

Estate Officer which has also been submitted on record. Estate Officer offered the possession of plot in the exchange letter dated 04.07.2014 itself. This letter has also been produced on record. It is pertinent to state that the counsel for the petitioner was confronted with the documents when matter was heard on 02.07.2018 to which he has no answer. However, still, it was decided by the undersigned to get site inspection done and to associate the petitioner in such inspection so that she may know the true position. The counsel for the petitioner agreed for the same and assured that the petitioner will be present on the date of hearing. It was also agreed by the petitioner's counsel that he do not want to address any further arguments or tender any other document and therefore, the order may be passed after considering the report. For this purpose, a committee of the Executive Engineer, HSVP, Division No.V, Gurugram and SDE office of the Estate Officer-II, HSVP, Gurugram was constituted by the undersigned. The committee conducted a site inspection on 03.07.2018 and report has been received vide letter dated 06.07.2018 sent through email dated 09.07.2018. It has been pointed out that site inspection was done on 03.07.2018 but the petitioner did not appear for site inspection. Rather one Sh. Arun Arora appeared as representative for the petitioner but he did not produce any authority letter. It has also been pointed out that during site visit, it has been found that road, water supply and sewerage has been laid down at site. These development works were completed in the year 2013."

- (2) On the other hand, counsel for the petitioner contends that photographs of the site were sought to be produced during the course of hearing before the Chief Administrator who refused to take the same on record.

(3) In the light of the conflicting stand and that too on factual issues, we deem it appropriate to dispose of the writ petition with a direction that the petitioner may submit an appeal-cum-representation to the State Government who shall call for the records and consider the documents/photographs relied upon by both the parties to determine whether or not the basic amenities have been provided in Sector 51, Urban Estate, Gurugram where the petitioner's plot is located?

(4) Let an appropriate decision be taken within four months from the date of receipt of certified copy of this order.

(5) Ordered accordingly.

(Surya Kant)
Judge

06.08.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

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

Yes
No