

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-21178-2017

Date of Decision: 24.1.2018

Surender Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Gorav Kathuria, Advocate for the petitioner.
Mr. Sandeep Moudgil Additional Advocate General, Haryana.
Mr. Deepak Sabharwal, Advocate for respondents No.3 and 4.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot alternative plot against plot No. 213-AHP, Sector 64, Faridabad which was earlier allotted as alternative plot in lieu of plot No.213-P, Sector 64, Faridabad.

2. Plot No.213-P, Sector 64, Faridabad, measuring 450 square yards was allotted on free hold basis to one Shri KRS Panwar vide allotment letter dated 21.10.2010 (Annexure P-1). The said plot was purchased by the petitioner vide memo dated 30.12.2010 after getting permission from respondent No.4 and was transferred in his name vide transfer letter dated 30.12.2010 (Annexure P-2). Thereafter, the petitioner had applied for the possession of the plot in question and respondent No.4 vide letter dated 10.1.2011 (Annexure P-3) offered physical possession of the plot to the petitioner. When the petitioner had gone to the office of respondents No.3 and 4 for getting the physical possession of the plot in question, he came to

person in the year 2007. The petitioner made a representation dated 2.6.2011 (Annexure P-4) to respondent No.4 for the allotment of a alternative plot. Thereafter, the petitioner sent a letter dated 19.9.2011 (Annexure P-5) to respondent No.3 for the said purpose, but to no effect. The petitioner sought information under the Right to Information Act, 2005 (in short "the 2005 Act") regarding the alternative plot in lieu of plot No. 213-P, Sector 64, Faridabad. The Public Information Officer, vide letter dated 19.1.2012 (Annexure P-6) informed the petitioner that due to double allotment of the plot in question, the alternative plot would be given after obtaining necessary permission from the Head Office. The petitioner also made various representations including the representation dated 6.3.2013 (Annexure P-7) to respondents No.3 and 4, but all in vain. However, respondent No.3 vide letter dated 25.7.2013 (Annexure P-8) called the petitioner to come present in their office for the allotment of the alternative plot in lieu of the plot in question. Respondent No.4 exchanged plot No.213-AHP, Sector 64, Faridabad in lieu of the plot in question to the petitioner after taking necessary permission from the quarter concerned and had issued a letter dated 12.8.2013 (Annexure P-9) to the petitioner to deposit the amount and take the possession of the alternative plot allotted to him. The petitioner deposited the installment and vide letter dated 22.8.2013 (Annexure P-10) applied for taking the physical possession of the alternative plot No. 213-AHP, Sector 64, Faridabad. However, respondents No.3 and 4 had failed to give physical possession of the alternative plot inspite of various representations including the representation dated 9.3.2017 (Annexure P-11). The petitioner sought information under the 2005 Act vide application dated 20.6.2007 (Annexure P-12) regarding the

possession of the alternative plot allotted to him. The Public Information Officer vide letter dated 29.6.2017 (Annexure P-13) informed the petitioner that the possession of the alternative plot could not be given to the allottee as the said plot was short more than 20% and as per the report of the JE(S), the size of the plot is 330 square meters. Accordingly, the petitioner moved a representation dated 30.8.2017 (Annexure P-14) to respondent No.3 for the allotment of alternative plot in lieu of plot No. 213-AHP, Sector 64, Faridabad which was earlier allotted as alternative plot in place of plot No.213-P, Sector 64, Faridabad, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 30.8.2017 (Annexure P-14) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 30.8.2017 (Annexure P-14), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 24, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE