

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-24974-2016

Date of Decision: 15.3.2018

Pooja Kumari

....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. Vikram Singh, Advocate for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Deepak Sabharwal, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ 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 keep one plot reserved out of plot Nos. 291 and 483 to 488, situated in Sector 45, Gurgaon which are subject matter of e-auction scheduled for 29.11.2016 (Annexure P-12) and to allot alternative plot in lieu of plot No. 885 allotted to the petitioner.

2. The petitioner was allotted plot No. 885, Sector 52, Gurgaon vide allotment letter dated 22.7.2003 (Annexure P-1). The petitioner made the due payment of the said plot by way of installments. A request was made

for physical possession of the plot vide receipt dated 28.7.2000 (Annexure P-2) on the single window counter. However, respondent No.4 vide reply dated 17.9.2010 informed the petitioner that the possession could be delivered only after completion of development work. The petitioner vide applications dated 17.8.2011, 28.7.2014, 3.2.2015 and 29.2.2016 (Annexures P-4 to P-7, respectively) requested respondent No.4 for possession of the said plot, but to no effect. The petitioner vide application dated 2.8.2016 (Annexure P-8) sought information under the Right to Information Act about the development of plot Nos. 885 and 887, Sector 52, Gurgaon. In response thereto, respondent No.4 vide reply dated 8.9.2016 (Annexure P-9) admitted that due to litigation on the site, the development work was not completed. Thereafter, the petitioner moved an application, Annexure P-10, to respondent No.4 for possession of plot in question or to allot the alternative plot, but all in vain. Accordingly, the petitioner filed CWP-19980-2016 and this Court vide order dated 26.9.2016 (Annexure P-11) disposed of the said writ petition with a direction to the respondents to take a decision on the application, Annexure P-10. As per the brochure, Annexure P-12, the respondents were going for e-auction of the plots. The petitioner moved an application dated 8.11.2016 (Annexure P-13) to respondent No.4 for the allotment of alternative plot in Sector 46, Gurgaon. On the basis of the policy, Annexure P-14, the respondents had started e-auction. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 8.11.2016 (Annexure P-13) to respondent No.4, but no action has so far been taken thereon. He, however, prayed that liberty be granted to the

petitioner to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

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 granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioner within a period of one month from the date of receipt of the certified copy of the order, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of six months from the date of receipt of the representation. The petitioner shall be entitled to lead any evidence to substantiate her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No