

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

**CWP No. 25327 of 2016
Decided on : 14.02.2018**

Brahm Dutt

. . . 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. Rajiv Agnihotri, Advocate
for the petitioner.

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

Ms. Chhavi, Advocate for
Mr. P.S. Chauhan, Advocate
for respondents No.2 to 4 - HUDA.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *Mandamus*, claiming that in the draw of lots, the petitioner was successful in getting Plot No.3701, Sector 56-56A, Faridabad. However, the Haryana Urban Development Authority (hereinafter referred to as 'the HUDA') could not deliver the vacant possession, as it was not fully developed and in lieu thereof, Plot No. 2937 in Sector 56-56A, Faridabad was allotted to the petitioner. The possession of the said plot has also not been delivered to the petitioner. Accordingly, a prayer has been made that a direction be issued to the respondents to deliver the allotted plot or in the alternative any other plot in which possession can be given to the petitioner on the same terms & conditions on which the initial allotment was made.

2. Learned counsel for the petitioner submitted that no formal representation was made to HUDA, though the petitioner had approached

before the Disputes Redressal Forum, Office of the Administrator HUDA, Faridabad vide application dated 24.05.2016 (Annexure P-12), but no decision thereon has been taken thereafter. He, however, submitted that a detailed and comprehensive representation shall be filed before respondent No.2 within a period of 15 days from today. However, a direction may be issued to the respondents to decide the same within a time bound manner after affording an opportunity of hearing to the petitioner by passing a speaking order, in accordance with law.

3. After hearing learned counsel for the parties, perusing the averments made in the writ petition and without expressing any opinion on the merits of the controversy, we dispose of the present writ petition by permitting the petitioner to file a detailed and comprehensive representation before respondent No.2 within a period of 15 days from the date of receipt of certified copy of this order. In case such a representation is filed, the same shall be decided by respondent No.2 within a period of next two months, after affording an opportunity of hearing to the petitioner by passing a speaking order, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

February 14, 2018

J.Ram

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