

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-203-2018

Date of Decision: 10.1.2018

Bhimeshwari Trust

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Shobit Phutela, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 hand over the possession of 'Social and Charitable Institutional Site' in Sector 38, Gurgaon allotted to the petitioner by respondent No.2 vide letter dated 28.10.2011 (Annexure P-3).

2. In the year 2010, the Haryana Urban Development Authority (HUDA) invited applications for the allotment of religious site at Sector 38, Gurgaon. In pursuance thereto, the petitioner made an application dated 29.6.2010 along with covering letter (Annexure P-1 Colly) for the allotment of a religious site and also deposited 10% of the total price as earnest money along with the application. Respondent No.2 vide letters dated 12.10.2010

for interview for the allotment of the religious site in Sector 38, Gurgaon. Thereafter, respondent No.2 vide letter dated 28.10.2011 (Annexure P-3) offered allotment of land measuring 1000 square meters to the petitioner on lease hold basis of 99 years for construction of religious site. In response to the letter, Annexure P-3, the petitioner deposited an amount of ₹ 1,68,750/- by way of demand draft dated 25.11.2011 which was received by respondent No.2 who issued a receipt dated 25.11.2011 (Annexure P-4). Since the site in question was not clear due to encroachment, respondents No.1 to 3 had been checking for alternate sites for being allotted to the petitioner. Respondent No.2 vide letter dated 25.9.2012 (Annexure P-5) informed respondent No.1 about the availability of site at Sector 55, Gurgaon and the said letter was received by the petitioner under the Right to Information Act. However, vide letter dated 5.7.2016 (Annexure P-6), respondent No.2 informed the petitioner that no encroachment existed at the site in question and to take possession. In response to the letter, Annexure P-6, the petitioner wrote a letter dated 19.7.2016 (Annexure P-7) to respondent No.2 for providing a date for possession of the property, but no response has been received till date. Thereafter, the petitioner vide letter dated 31.10.2017 (Annexure P-8) requested respondent No.2 for intimating the date for taking possession of the property in question, but to no effect. 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 letters dated 19.7.2016 and 31.10.2017 (Annexures P-7 and P-8, respectively) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.2 to take a decision on the letter dated 19.7.2016 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner or its authorized representative within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 10, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes