

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

CWP No.22539 of 2018 (O&M)

Date of Decision: 06.09.2018

Kusum Lata Sharma

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Gaurav Singla, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The land of the petitioner was acquired by State of Haryana for development of Sector 16, Urban Estate, Karnal. The petitioner applied for allotment of 4 marla plot under the oustees category in response to an advertisement issued by HUDA in which last date was 12.03.2004. The tentative cost of the plot was ₹ 1,96,630/-. Ten per cent of the earnest money was required to be deposited with the application form which the petitioner duly deposited vide draft dated 16.04.2004. No allotment was, however, made in favour of the petitioner which prompted her to file a Civil Suit which was decreed on 21.04.2010. The judgment and decree of the Civil Court was upheld by the First Appellate Court as also by this Court vide judgment dated 12.08.2016 whereby RSA No.1624 of 2012 filed by HUDA along with other connected appeals, was dismissed.

(2) Meanwhile, the petitioner filed execution proceedings in which HUDA authorities produced the allotment letter dated 18.05.2015

(P5) and on production thereof, counsel for the petitioner withdrew the execution proceedings being fully satisfied. Later on the petitioner realized that the plot was allotted @ ₹ 9180 per sq.meter which was much more than the total price of ₹ 1,96,630/- fixed in the year 2004.

(3) The case of the petitioner is that as per HUDA policy as well as the decision of Full Bench of this Court in **CWP No.22252 of 2016 (Rajiv Manchanda and others versus Haryana Urban Development Authority and another)** decided on 22.11.2017, the petitioner is entitled to allotment of plot at the rate prevailing in the year 2004 as there is no fault attributable to her. It is submitted that the petitioner applied on time along with earnest money and she was fully eligible for allotment of 4 marla plot.

(4) Her claim was eventually accepted by this Court as the judgment attained finality. It is further submitted that withdrawal of execution being satisfied by counsel for the petitioner does not preclude the petitioner to seek allotment at the rate of 2004. At best the HUDA authorities can charge simple interest on such allotment price.

(5) Having heard learned counsel for the petitioner, it appears to us that the above-stated claim of the petitioner requires consideration by the HUDA authorities in terms of their own policy as well as the Full Bench decision cited *supra*.

(6) The writ petition is thus disposed of with a direction to the Chief Administrator, HUDA to consider the claim of the petitioner as contained in her representation dated 20.07.2018 (P7) or to treat this writ petition as a comprehensive representation on her behalf and decide the

same by way of a reasoned order within a period of *four months* from the date of receipt of certified copy of this order.

(7) Ordered accordingly.

(Surya Kant)
Judge

06.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

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| 1. <i>Whether speaking/reasoned?</i> | Yes |
| 2. <i>Whether reportable?</i> | No |