

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

CWP No.22904 of 2018 (O&M)

Date of Decision: 10.09.2018

Bajrang Lal Gupta

...Petitioner

VS.

HUDA & Ors.

... Respondents

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

Present: Mr. Varun Gupta, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The petitioner purchased plot No.538, Sector 1, measuring 162 sq. meters, Urban Estate, Narnaul from the original allottee Smt. Krishna Gupta and re-allotment letter was consequently issued in his favour by Estate Officer, HUDA, Rewari on 11.11.2010. The petitioner thereafter applied for physical possession of the plot. He was offered possession of area measuring 193.58 sq.meters. The petitioner was asked to deposit cost for the increased area along with interest as well as extension fee which he is said to have duly deposited. The conveyance deed has also been executed in his favour on 29.05.2018 for the increased area plot. However, when the petitioner got the physical measurements carried out at the site, he allegedly found that the rear part of the plot is under encroachment. He also came to know that the previous owner too had allegedly made complaints to HUDA authorities of same nature but no action was taken.

(2) In this backdrop, the petitioner seeks a direction that either the HUDA authorities should provide physical possession of the plot measuring 193.58 sq.meters at the spot or they should give an alternative plot to him.

The petitioner even served HUDA authorities with a legal notice dated

12/13.07.2018 (P6) and vide reply dated 06.08.2018 (P7), the Estate Officer claimed that the possession of the plot has already been given to the petitioner on 07.05.2018. The reply is, however, conspicuously silent as to whether there exists a plot measuring 193.58 sq.meters at the spot.

(3) The writ petition is thus disposed of at this stage without expressing any views on merits with a direction to the Estate Officer, HSVP, Rewari, to depute a team of officials to carry out physical measurements at the spot in the presence of the petitioner and hand over physical possession of the plot at the spot of the same dimension and area as mentioned in the conveyance deed dated 29.05.2018.

(4) The needful shall be done within a period of three months from the date of receipt of certified copy of this order.

(5) Ordered accordingly.

(Surya Kant)
Judge

10.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No