

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24824 of 2018.

Date of Decision: September 27, 2018

Brahm Dutt

.....Petitioner

versus

Haryana Urban Development Authority and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Raman Gaur, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

This is the second round of litigation on behalf of the petitioner as the HUDA authorities, have failed to honour the previous order regarding allotment of plot.

The facts are like this. The petitioner was allotted residential plot No.3701, measuring 10 marla, in Sector 56-56-A, Urban Estate, Faridabad in draw of lots held on 21.06.2010, in the category of 'Advocates'. At the time of issuance of allotment letter dated 01.02.2011, the number of petitioner's plot was changed and instead of plot No.3701, he was allotted plot No.2937 in the same category. He deposited the earnest money on time but later on, he found that the area where the new plot was purposed to be carved out, was totally undeveloped. The petitioner approached the Permanent Lok Adalat seeking direction to HUDA for allotment of a better alternative plot as there were several unallotted plots lying vacant in the developed area of the same Sector. The petitioner eventually approached this Court through CWP No.25327 of 2016 which was disposed of vide order dated 14.02.2018. In compliance to those directions, the petitioner appeared before the Chief Administrator, HUDA who vide a speaking order dated 13.04.2018 (P-16) has accepted the claim

of the petitioner regarding allotment of alternative plot, in the following terms:-

“..... Therefore, the Administrator, HSVP, Faridabad is hereby directed to expedite the matter and get the ibid proposal approved from the competent authority as per policy within two months. The request of the petitioner regarding payment or damages is not acceptable as there is no policy of HSVP which provide for the same.....”

The grievance in the instant writ petition is that though alternative plot was required to be allotted within two months, no such decision has been taken by the Administrator, HUDA or the Estate Officer, HUDA, Faridabad so far.

Having regard to the fact that claim of the petitioner has been already accepted in principle by the Chief Administrator, HUDA and the Authorities at Faridabad are obligated to implement that order subject to their right to appeal etc., the writ petition is disposed of with a direction to Administrator, HUDA and Estate Officer, HUDA, Faridabad to give effect to the order passed by the Chief Administrator, HUDA dated 13.04.2018 and allot an alternative plot to the petitioner within a period of two months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

September 27, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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