

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

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CWP-2697 OF 2017

Date of Decision: 13.03.2018

SUKANYA RAMPAL

....Petitioner.

Versus

HARYANA URBAN DEVELOPMENT AUTHORITY AND ORS.

...Respondents.

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

Present: Mr. Vijay Jindal, Senior Advocate with
Mr. Gaurav Bakshi, Advocate
for the petitioner.

Mr. Deepak Balyan, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J.

This petition has been filed for issuance of writ in the nature of mandamus directing respondent No.1 to take decision for allotment of alternative plot, expeditiously, in terms of the order of this Court dated 25.10.2016.

2. Ms. K.K. Rampal (hereinafter referred to as 'the original applicant') had applied for allotment of plot in Gurgaon. The original applicant was allotted residential plot No.4, measuring 1.5 kanal in Sector 21, Gurgaon in the draw of lots held on 19.05.1986 but the allotment letter could not be offered to her as the plot was under litigation. Another alternative plot in Sector 5 was offered, which was declined by her. The original

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applicant had requested for allotment of other plots in the same Sector 21 or in Sectors 27/28 as well as in Sector 45, Gurgaon. She had again requested the respondents vide letter dated 27.07.2004 for allotment of alternative plot in Sector 45, Gurgaon and it is stated that she was asked to give her consent for allotment of plot in Sector 45, which she had done on 10.08.2004. However, she received letter dated 03.10.2017 from the office of respondent No.3, whereby it had been decided to allot alternative plot in Sector 21, Gurgaon by draw of lots. The original applicant was informed about the draw of lots and plot No.337-T, Sector 21, Gurgaon was allotted to her. She had represented to respondent No.1 that the plot was irregular and area was less than 1.5 kanal.

3. Thereafter, the original applicant executed a Will in favour of the petitioner, who is her sister-in-law, and is pursuing the case after the death of the original applicant on 07.12.2011. The petitioner had preferred CWP No.16896 of 2016 for directing the respondents to exchange the plot bearing No.337-T, Sector 21, Urban Estate, Gurgaon with another plot. The petition was disposed of on 22.08.2016 with a direction to respondents to take a decision on the application of the petitioner within a period of 03 months from the date of receipt of certified copy of the order. Consequently, the matter had been referred by respondent No.2 vide order dated 25.10.2016 to respondent No.1 for taking appropriate decision in the matter. It is stated that as no decision

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has been taken in the matter, the petitioner was left with no option but to file the instant petition. Learned counsel for the petitioner has contended that the petitioner should be allotted a plot in Sector 45, Gurgaon instead of Sector 21, Gurgaon as several plots are lying vacant and un-allotted there.

4. In pursuance to the notice, reply on behalf of respondents has been filed wherein, it is stated that earlier plot No.4, Sector 21, Gurgaon, measuring 1.5 kanal has been allotted to the original applicant through draw of lots held on 19.05.1986. As the plot was under litigation, another plot No.7, Sector 5, Gurgaon, had been offered to her vide memo dated 20.05.1997. The original applicant vide letter dated 19.04.1999 declined the offer of allotment and requested for allotment of plot in Sector 21, Gurgaon. The original applicant was allotted alternative plot No.337-T, Sector 21 Gurgaon vide order dated 04.04.2008. The possession of this plot was also given to her on 20.11.2008. This plot was transferred in the name of instant petitioner vide memo No.638 dated 13.05.2013 after the death of the original applicant. It is further stated that the case of the petitioner has been considered afresh and vide order dated 04.01.2018, she has been allotted plot No.337-S, Sector 21, Gurgaon in lieu of plot No.337-T, Sector 21, Gurgaon.

5. We have heard learned counsel for the parties.

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6. The original applicant had been allotted a plot in Sector 21, Gurgaon which was under litigation. She had been offered an alternative plot in Sector 5, which was refused by her. The respondents have now again by the order dated 04.01.2018 allotted a plot in Sector 21, Gurgaon to the petitioner. There does not seem to be any foundation in the claim of the petitioner that she should be allotted a plot in Sector 45 instead of Sector 21, Gurgaon. Merely because consent of the original applicant had been sought at one instance by the respondents for allotment of plot in Sector 45 would not confer her any right to allotment only in Sector 45 and not in Sector 21.

7. Therefore, as the original applicant had, at the very outset, sought allotment of plot in Sector 21, Gurgaon, which has now been allotted to the petitioner, we do not find any justification in issuance of any further directions in the matter, which stands disposed of as infructuous.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

13.03.2018

SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO