

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-2679-2018

Date of Decision: 7.02.2018

Parminder Pal Singh Bedi

....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. IPS Kohli, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the demand notices dated 13.12.2012 and 13.7.2015 (Annexure P-14 Colly) seeking payment of enhanced compensation of Plot No. 525-S, Sector 42, Urban Estate, Gurgaon-II measuring 10 marla and show cause notice dated 22.6.2016 (Annexure P-15) for levying penalty for making default in the said payment.

2. One Shri Dev Kumar had applied for the allotment of a plot with the Haryana Urban Development Authority (HUDA) by depositing the earnest money of ₹ 1,18,404/-. Said Shri Dev Kumar also deposited a sum of ₹ 1,77,606/- as demanded by the HUDA. He was allotted plot No.6, Sector 42, Gurgaon measuring 10 marlas vide allotment letter dated

28.3.2003 (Annexure P-1). Thereafter, Shri Dev Kumar moved an application for transfer of the plot in favour of Shri Sukhbir Pal Singh Bedi which was allowed and the plot in question was re-allotted in favour of Shri Sukhbir Pal Singh Bedi vide allotment letter dated 9.5.2003. Shri Sukhbir Pal Singh Bedi entered into contract with the petitioner and moved an application for transfer of the said plot in favour of the petitioner which was allowed. The plot was transferred in favour of the petitioner vide re-allotment letter dated 25.8.2004 (Annexure P-2). The plot being situated on the main road, the petitioner had himself offered to purchase the plot and had deposited the various amounts vide receipts (Annexure P-3 Colly). The HUDA vide letter dated 2.6.2006 (Annexure P-4) asked the petitioner to take possession of the plot in question within thirty days. The HUDA vide letter dated 20.10.2006 (Annexure P-5) informed the petitioner that the possession of the plot could not be given to him due to revised demarcation of the plots and withdrawn the letter of offer of possession, Annexure P-4. Respondent No.1 had not received the amended layout plan of Sector 42, Gurgaon for approval as is discernible from the letter dated 25.1.2007 (Annexure P-7). The petitioner filed CWP-1083-2009 and the respondents filed reply, Annexure P-8, to the said writ petition. The respondents had not followed the policy dated 10.7.2009 (Annexure P-9) while re-numbering of plots in case of deleted/omitted plots. This Court vide order dated 29.1.2009 (Annexure P-10) ordered that one plot of the same size and in the same sector be kept reserved for the petitioner and vide order dated 30.4.2009 (Annexure P-11) ordered that plot No.9 (re-numbered) measuring 10 marlas, Sector 42, Gurgaon be not allotted to any one. This Court vide order dated 15.3.2012 (Annexure P-12) admitted the said writ petition and

directed the respondents to consider the allotment of an alternative plot to the petitioner which shall be kept reserved for the petitioner till the final decision of the writ petition. The said order was challenged by the petitioner before the Apex Court bearing SLP (Civil)-16210-2012 and the said SLP was dismissed as withdrawn by the Supreme Court vide order dated 3.7.2012 (Annexure P-13). Respondent No.3 vide demand notice dated 13.7.2015 and memo dated 13.12.2012 (Annexure P-14 Colly) directed the petitioner to deposit the enhanced compensation in view of the enhancement of the cost of acquisition of land in the sector. The petitioner filed objections to the said demand notice. Respondent No.3 issued a notice dated 22.6.2016 (Annexure P-15) to the petitioner to show cause as to why the penalty be not imposed for making default in payment of the amount. The petitioner filed reply dated 7.8.2017 (Annexure P-16) before respondent No.3 to the show cause notice, Annexure P-15, that the original plot be restored to him and the proposal for imposing penalty vide letter dated 22.6.2016 be withdrawn, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has submitted a reply dated 7.8.2017 (Annexure P-16) to respondent No.3, 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.3 to take a decision on the reply dated 7.8.2017 (Annexure P-16), in accordance with law by passing a speaking order and after affording an opportunity of

hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 7, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes