

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3011-2018

Date of Decision: 9.02.2018

Upesh Singla

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and another

...Respondents.

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

PRESENT: Mr. Puneet Kakkar, 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 mandamus directing the respondents to allot plot No.34, Sector 28, Panipat to him or in the alternative, allot a plot in Sector 29, Part-I, Part-II or Sector 25, Part II, Panipat having same dimensions and lying vacant.

2. The petitioner was allotted plot No. 335, Industrial Area, Sector 25, Part II, 29 Part II), Panipat vide allotment letter dated 3.1.2005 (Annexure P-1). At the time of allotment, the petitioner deposited 25% of the total amount along with the application and also deposited ₹ 1,29,940/- vide receipt dated 28.1.2005 (Annexure P-2). In the year 2009, the possession of the plot in question was offered to the petitioner who again deposited a sum of ₹ 2,00,000/- vide receipt dated 16.3.2010 (Annexure P-

3). The petitioner did not get the possession of the plot despite the land got released by the respondents. Thereafter, the petitioner was allotted alternative plot through the draw of lots held on 4.7.2014 vide allotment letter dated 26.6.2015 (Annexure P-4) after a delay of nine years from the date of original allotment. The petitioner sought information under the Right to Information Act, 2005 (in short “the Act”) vide application dated 12.8.2016 (Annexure P-5) about the development where the plot had been allotted and for handing over the possession thereof. A reply dated 6.10.2016 (Annexure P-6) was received by the petitioner that the possession of the plot would be handed over after completion of the development work and that there was no limit fixed by the Government to deliver the possession of the plot. As per the information dated 29.11.2012/7.12.2012 (Annexure P-7) received under the Act, the respondents had allotted the alternative plots to some other persons who had initially been allotted some other plots and later on in order to hand over the actual possession of a developed site, the respondents allotted some other plots to them. Accordingly, the petitioner moved various representations (Annexure P-8 Colly) to the respondents, the Grievance Cell and CM Window, Panipat/Chandigarh for possession of plot No.34, Sector 28 or an alternative plot lying vacant in Sectors 25 and 29, Panipat, 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 made various representations (Annexure P-8 Colly) to the respondents, the Grievance Cell and CM Window, Panipat/Chandigarh, 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.1 to take a decision on the representations (Annexure P-8 Colly), 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 9, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No