

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3615-2018

Date of Decision: 16.02.2018

Ravinder Kumar Koti

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rajeev Sharma (Raju), 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 pay the interest on the amount deposited by him for plot No. 1225, Sector 52, Gurugram on account of delayed possession and also to release the interest on the excess amount deposited by the petitioner as recovery of enhanced compensation in view of letter dated 28.7.2014 (Annexure P-6). Further, a direction has been sought to the respondents to decide the legal notice dated 2.11.2017 (Annexure P-10) sent by the petitioner within stipulated time period.

2. In the year 2002, the Haryana Urban Development Authority (HUDA) advertised freehold residential plots of difference sizes in Sector 52, Gurugram. Shri Krishan Chand Koti (father of the petitioner)

52, Gurugram on 17.7.2003 at the tentative price of ₹ 4,86,000/- at the rate of ₹ 3600/- per square meter. The said plot was transferred in favour of the petitioner vide re-allotment letter dated 17.9.2003 (Annexure P-2). Respondent No.4 vide letter dated 6.7.2011 (Annexure P-2) sought payment of enhanced compensation for the said plot amounting to ₹ 3,86,760/- at the rate of ₹ 2864.89 per square meter and the petitioner deposited the said amount. Vide letter dated 2.1.2012 (Annexure P-3), respondent No.4 offered the possession of the plot in question to the petitioner. Further, vide letter dated 11.2.2012 (Annexure P-4), respondent No.4 demanded the payment of enhanced compensation of ₹ 6,80,697/- at the rate of ₹ 5042.20 per square meter and the petitioner deposited the said amount. Respondent No.4 issued possession certificate dated 3.5.2012 (Annexure P-5) to the petitioner. The Chief Controller of Finance, HUDA, Panchkula vide letter dated 28.7.2014 (Annexure P-6) had revised the enhanced compensation to be recovered from the allottees of the plots in Sector 52, Gurugram and had given the credit of excess recovery along with interest at the rate of 870.69 per square yard. Respondent No.4 vide letter dated 1.10.2014 (Annexure P-7) informed that as per the letter, Annexure P-6, the enhanced compensation is reduced to 2345.20 per square yard instead of ₹ 4215.89 per square yard and the recoverable amount was ₹ 3,78,656/-. A sum of ₹ 3,01,933/- had been refunded to the petitioner vide draft dated 9.12.2014 but without any interest. Respondent No.4 vide letter dated 28.9.2017 (Annexure P-8) informed that the offer of possession had been treated as 20.3.2012. As per the calculation, Annexure P-9, the amount of interest has to be paid to the petitioner at the rate of 9% per annum. The petitioner made various representations to the respondents for the payment of interest, but to no

effect. Accordingly, the petitioner sent a legal notice dated 2.11.2017 (Annexure P-10) to the respondents for the payment of interest on the amount deposited for plot No.1225, Sector 52, Gurugram and also on the excess amount deposited by the petitioner as recovery of enhanced compensation in view of letter dated 28.7.2014 (Annexure P-6), 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 served a legal notice dated 2.11.2017 (Annexure P-10) upon the respondents, 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.4 to take a decision on the legal notice dated 2.11.2017 (Annexure P-10), 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 16, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes