

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3774-2018

Date of Decision: 19.2.2018

Sulochana

....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. Rajnish K. Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 respondents No.2 and 3 to refund the entire amount paid by the petitioner along with interest to be compounded on half yearly rest qua shop No.82, situated at Agro Mall, Sector 20, Panchkula.

2. The petitioner was allotted shop No.82 measuring 537 square feet in Agro Mall, New Vegetable Market, Sector 20, Panchkula vide allotment letter dated 18.5.2009 (Annexure P-1) in the draw of agro shops dated 7.11.2008 after approval by respondent No.2 vide letter dated 19.11.2008. The petitioner deposited 25% of the allotment price and the balance amount was to be deposited either without interest within 60 days

installments with 15% interest. Respondent No.3 vide letter dated 5.4.2016 (Annexure P-2) offered possession of the built up shop No.82, measuring 505.517 square feet, Ground Floor, Agro Mall, Sector 20, Panchkula. The Agro Mall was not established as per the layout plan (Annexure P-3). Respondent No.2 vide publication (Annexure P-4) invited the 'Expression of Interest' for disposal/leasing out of Agro Mall at Panchkula. Further, vide letter dated 17.11.2011 (Annexure P-5), the charging of installment was postponed till the completion of the mall and the mall was declared as 'General Mall'. The petitioner vide representation dated 27.4.2010 (Annexure P-6) sent vide UPC receipt (Annexure P-7) followed by the reminder dated 2.11.2010 (Annexure P-8) sent vide UPC receipt (Annexure P-9) requested respondent No.3 for refund of the amount along with interest, but to no effect. Thereafter, the petitioner moved another representation dated 12.6.2017 (Annexure P-10) to respondents No.2 and 3 for refund of the entire amount along with interest for the shop in question, but no response has been received till date. Reliance has been placed upon the orders (Annexures P-11 and P-12, respectively) passed by this Court. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 12.6.2017 (Annexure P-10) to respondents No.2 and 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.2 to take a decision on the representation dated 12.6.2017 (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 three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 19, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

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