

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6691-2017

Date of Decision: 1.02.2018

Baldev Raj Ojha

....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. Abhinav Sood, Advocate for
Mr. Manoj Kumar Sood, Advocate for the petitioner.

Ms. Nikita Bansal, Advocate for
Mr. Nitin Kaushal, Advocate for the respondents.

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 give possession of the plot in Sector 24, Faridabad.

2. The petitioner was allotted a site for Service Station-Y, Sector 24, Faridabad vide allotment letter dated 30.11.1993 (Annexure P-1). After full payment, the petitioner took possession of the plot vide possession certificate dated 17.7.1995 (Annexure P-2). The petitioner could not raise the construction over the site as the zoning plan was not approved by the Haryana Urban Development Authority and in this regard a letter dated

31.12.2009 (Annexure P-3) was issued by the District Town Planner, Faridabad. After the approval of the zoning plan by the respondents, the petitioner found that on the same site, CNG Gas Station was built. The petitioner sought information under the Right to Information Act, 2005 about the status of the plot in question and in the report submitted by the Junior Engineer, it was reported that the plot in question had been allotted to the CNG Gas Station. The petitioner made a representation dated 23.9.2011 (Annexure P-4) to respondent No.3 for the possession of the plot or to give alternate site in Sector 24, Faridabad. Respondent No.1 sought comments from respondents No.2 and 3 vide letter dated 14.11.2011 (Annexure P-5). Again the petitioner made a representation dated 16.1.2012 (Annexure P-6) to respondent No.2 for the possession of the plot after re-carving the plot in Shopping Centre, Sector 24, Faridabad. Respondent No.2 vide letter dated 19.9.2012 (Annexure P-7) furnished the comments to the letter, Annexure P-5, by admitting the mistake and proposed to give possession of new site reserved for Weight Bridge. Respondent No.1 vide letter dated 22.10.2012 (Annexure P-8) asked respondent No.2 as to what action had been taken against the petitioner for not raising the construction over the site. The District Town Planner, Faridabad vide letter dated 27.12.2012 (Annexure P-9) sent the necessary information to the Senior Town Planner, Faridabad with copies to the respondents. However, information regarding point Nos.1 to 4 was to be supplied by respondent No.3 and respondent No.2 vide letters dated 18.12.2013 (Annexure P-10), 5.6.2015 and 22.7.2015 (Annexure P-11) asked respondent No.3 to send the necessary information. Thereafter, the petitioner moved a representation dated 10.9.2015 (Annexure P-12) to

respondent No.2 for alternate possession of plot for Service Station at Sector 24, Faridabad, but no response has been received till date. However, respondent No.2 vide letter dated 6.6.2016 (Annexure P-13) informed respondent No.2 that the original file had been lost and they had sent the information for registration of the FIR. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 10.9.2015 (Annexure P-12) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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 10.9.2015 (Annexure P-12), 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 1, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No