

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-464-2018

Date of Decision: 12.1.2018

The Human Welfare Educational Society (Regd.), Faridabad
....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. Harsh Kinra, 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 the respondents to refund the amount of earnest money along with interest, damages and penalty.

2. The petitioner is a Welfare Educational Society and is registered with the Registrar of Firms and Societies, Haryana, Faridabad vide registration certificate dated 7.2.2006 (Annexure P-1). Vide advertisement, Annexure P-2, the respondents advertised various institutional plots in Faridabad and Gurgaon. In response thereto, the petitioner applied for an institutional plot measuring 539.5 square meters in Sector 32, Gurgaon vide application dated 20.2.2014 (Annexure P-3).

Along with the application, the petitioner also deposited an amount of

dated 21.2.2014 (Annexure P-3/1). Respondent No.4 vide letter dated 1.7.2014 (Annexure P-4) called the petitioner for interview and the representative of the petitioner attended the interview on 15.7.2014 and fulfilled all the pre-requisites for the allotment of the institutional plot. Thereafter, the petitioner vide application dated 14.6.2016 (Annexure P-5) under the Right to Information Act, 2005 sought various information. The said application was duly replied vide letter dated 17.6.2016 (Annexure P-6). When nothing was heard, the petitioner moved applications dated 22.6.2016 (Annexure P-7) and dated 5.9.2016 (Annexure P-8) requested the respondents for refund of the earnest money along with interest. In response thereto, the respondents sent a cancelled cheque to the petitioner who again made an application dated 29.12.2016 (Annexure P-9) along with a fresh cancelled cheque (Annexure P-9/1) to respondent No.4. However, nothing was done in the matter. Accordingly, the petitioner made a representation dated 14.4.2017 (Annexure P-10) to respondent No.3 for refund of the money against institutional plot in Sector 32, HUDA, Gurugram, 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 sent a representation dated 14.4.2017 (Annexure P-10) 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 representation dated 14.4.2017 (Annexure P-10), in

accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner or its authorized representative within a period of two months from the date of receipt of the certified copy of the order. It is further directed that in case the petitioner is found entitled to the amount of refund, the same be released to it within next one month.

(AJAY KUMAR MITTAL)
JUDGE

January 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No