

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7608-2017

Date of Decision: 25.4.2018

Sunil Kumar Malik and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Parmod Parmar, Advocate for the petitioners.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

Mr. Deepak Balyan, Advocate for the respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing respondent No.2 to allot an alternative preferential plot to them in terms of the revised policy dated 18.2.2013 (Annexure P-4) from the plots available in the adjoining sectors/sector 9.

2. Respondent No.2 made an advertisement for the allotment of plots in Sector 11, Bahadurgarh, District Jhajjar. In response thereto, the petitioners applied for a 6-marla residential plot. In the draw of lots, the petitioners were declared successful and plot No.633 was allotted to

petitioner No.1 whereas plot No.636 was allotted to petitioner No.2 in

Sector 11, Bahadurgarh. The allotment letters dated 21.10.2011 (Annexure P-1 Colly) were allotted to the petitioners by respondent No.3. The petitioners deposited the demanded amount along with the acceptance letters on 2.11.2011 and 15.11.2011, respectively. As per Clause 7 of the allotment letter, the possession of the plot was to be offered within a period of three years from the date of allotment letter after completion of development work in the area. The period of three years had lapsed on 21.10.2014 but the petitioners have neither been offered the possession of the plots nor respondent No.2 had paid any interest to them. Accordingly, petitioner No.1 served a legal notice dated 28.2.2017 (Annexure P-2) for issuance of possession letter of plot No.633, Sector 11, Bahadurgarh. As per the reply dated 29.1.2016 (Annexure P-3) given under the Right to Information Act, 2005 to one Shri Shivraj Malik, Advocate, it was wrongly replied that the possession of land of Sector 11, Bahadurgarh was taken by respondent No.2 on 25.6.2004. The HUDA framed a policy dated 18.2.2013 (Annexure P-4) regarding allotment of an alternate plot, if the plots were not available of the same category and preference in the same sector, then an alternate plot had to be allotted in the adjoining sector. Respondent No.2 vide order dated 11.8.2016 (Annexure P-5) directed all the Administrators and the Estate Officers in the State of Haryana to dispose of all clear vacant plots by way of auction and asked them to submit action report. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, petitioner No.1 had sent a legal notice dated 28.2.2017 (Annexure P-2) to respondent No.2, but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioners

to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

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 granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioners within a period of one month from the date of receipt of the certified copy of the order, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of six months from the date of receipt of the representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 25, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No