

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CWP-7665-2017

Date of Decision: July 09, 2018
- Arun Kumar Arora

.....Petitioner
- Versus
- State of Haryana and others

.....Respondents
2.

CWP-12191-2017
- Raj Kumar Wadhwa

.....Petitioner
- Versus
- State of Haryana and others

.....Respondents
3.

CWP-12154-2017
- Shakuntla Devi

.....Petitioner
- Versus
- State of Haryana and others

.....Respondents
4.

CWP-22307-2017
- Sangeeta Singh

.....Petitioner
- Versus
- State of Haryana and others

.....Respondents
5.

CWP-22323-2017
- Sunita Yadav

.....Petitioner
- Versus
- State of Haryana and others

.....Respondents
- and
6.

CWP-8495-2017
- B.S.Krishnamurthy

.....Petitioner
- Versus
- State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Sandeep Sharma, Advocate for the petitioners.
Mr.Deepak Balyan, Addl.AG, Haryana.
Mr.Deepak Sabharwal, Advocate for the HUDA.

SURYA KANT, J.(ORAL)

This order shall dispose of CWP Nos.7665, 12191, 12154, 22307, 22323 and 8495 of 2017 as the question which eventually falls for consideration in all the cases is common in nature.

[2] The petitioners are allottees/re-allottees of residential plots by HUDA in different sectors of Gurugram. They have not been given physical possession of the plots due to litigation, non-availability of the plots at the site or for other reasons or the alternative plots offered to them are not acceptable being inferior in location, lack of amenities or the potentialities of the sector is less as compared to the originally allotted plots.

[3] It appears that there has been no transparent policy followed by Estate Officer(s) at Gurugram in the matter of allotment of alternative plots. Certain instances of pick and choose have prompted the petitioners to allege discrimination and question the manner in which the HUDA authorities are allotting the alternative plots without considering the petitioners' claim.

[4] The availability of alternative plots, their location and whether such plots are free from incumbrances etc. are obviously question of facts which can effectively be determined by higher authorities like Chief Administrator, HUDA, who has to call for the report from the Estate Officer regarding availability of undisputed and unallotted plots in each sector to which the petitioners' belong. Thereafter, the petitioners can be allotted alternative plots by adopting some uniform and transparent criteria leaving no room for any heart burning.

[5] The instant writ petitions are accordingly disposed of with a direction to the Chief Administrator, HUDA to call for the records; hear the

petitioners/their representatives as also Estate Officers concerned and thereafter determine the claim of petitioners regarding allotment of alternative plots/sites. The needful be done within a period of two months from the date of receipt of a certified copy of this order and till such time the re-allotment of the plots in the sectors in question be kept in abeyance or alternatively undisputed plots which must be free from all incumbrances be kept reserved for each petitioner.

**(SURYA KANT)
JUDGE**

July 09, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |