

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-501-2018

Date of Decision: 12.1.2018

Suman Lata and another

....Petitioners.

Versus

Haryana Urban Development Authority, Panchkula and another

...Respondents.

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

PRESENT: Dr. Balram Singh, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the demand notice dated 27.10.2017 (Annexure P-9) demanding a sum of ₹ 11,45,424/- along with interest to be paid in seven installments from 25.11.2017 to 27.10.2020.

2. Respondent No.2 vide allotment letter dated 3.4.1998 (Annexure P-1) allotted plot No. 1879-P, Sector 12, Part III, Sonipat to one Shri Rajinder Malik at the rate of ₹ 2153/- per square yard for a total sale consideration of ₹ 7,67,389/-. He had paid ₹ 1,22,075/- in advance and the balance amount was to be paid in installments. On getting permission dated 17.8.1998 (Annexure P-2) from respondent No.2, said Shri Rajinder Malik transferred the plot in favour of the petitioners. Respondent No.2 vide letter

allotment letter and the price of the plot. The re-allotment letter dated 28.8.1998 (Annexure P-4) was issued in favour of the petitioners. Vide letter dated 28.2.2002, respondent No.2 asked the petitioners to make the payment of ₹ 79,870/- on account of enhanced compensation and further vide demand notice dated 27.12.2007 (Annexure P-6) raised a demand of ₹ 1,86,018/-. The petitioners requested respondent No.2 to supply a calculation sheet of enhanced compensation of their plot to them which was supplied to them vide letter dated 6.4.2009 (Annexure P-7). The petitioners made a payment of ₹ 4,60,000/- along with interest as demanded by respondent No.2 and thereafter, they were issued a 'No Dues Certificate' dated 17.4.2017 (Annexure P-8). The Supreme Court vide order dated 21.4.2010 passed in Civil Appeal No. 3677 of 2010, awarded ₹ 225/- per square yard as compensation for the entire acquired land along with all statutory benefits. In pursuance thereto, respondent No.2 made the payment of enhanced compensation and all statutory benefits to the landowners on or before the year 2010 itself. Respondent No.2 vide demand notice dated 25.10.2017 and calculation sheet (Annexure P-9) raised a demand of ₹ 11,45,424/- along with interest @ 15% per annum as additional price at the rate of ₹ 3409/- per square yard from the petitioners. The petitioners sent a reply dated 7.12.2017 (Annexure P-10) to the said demand notice to respondent No.2, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a reply dated 7.12.2017 (Annexure P-10) to the said demand notice, but no action has so

far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 reply dated 7.12.2017 (Annexure P-10), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of one month from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No