

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5423-2018

Date of Decision: 7.3.2018

Pankaj Dewan

....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. Manjeet Singh, 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 allot alternate plot to him in Sector 52, Gurugram in terms of policy dated 18.2.2013 (Annexure P-12).

2. The petitioner purchased plot No.303, Sector 52, Gurugram and after completion of all the formalities, respondent No.2 issued re-allotment letter dated 2.5.2009 (Annexure P-1) in his favour. Vide letter dated 11.10.2011 (Annexure P-2), the petitioner sought information regarding the status of the plot in question. The installments and extension fee of the plot was deposited by the petitioner and vide letter dated 17.10.2011, the petitioner requested respondent No.5 to correct the account statement. In response to the letter, Annexure P-2, respondent No.5 vide letter dated 21.12.2011 (Annexure P-4) informed the petitioner that the plot in question

receipt of the said report, officer of possession would be given. Vide letter dated 27.12.2011 (Annexure P-5) offered possession of the plot in question. The petitioner was directed to pay an amount of ₹ 11,37,016/- as enhanced compensation vide letter dated 11.2.2012 (Annexure P-6) which he deposited vide receipts dated 26.3.2012 (Annexure P-7 Colly). On coming to know that the plot in question had gone under litigation, the petitioner vide letter dated 1.6.2012 (Annexure P-8) requested respondent No.2 to allot an alternate plot and refund the enhancement cost with interest. The said letter was sent through e-mail on 3.6.2012 (Annexure P-9) to respondents No.2 and 3. Respondent No.5 vide notices dated 28.8.2012 (Annexures P-10 and P-11, respectively) directed the petitioner to deposit a sum of ₹ 3,90,815/- and ₹ 6,30,276/- as an additional price of enhanced compensation. Respondent No.2 framed a policy dated 18.2.2013 (Annexure P-12) regarding the exchange of plots. Ultimately, the petitioner was allotted an alternate plot No.1016-A, Sector 57, Gurugram on the same terms and conditions in the draw held on 19.2.2014 and he was informed vide letter dated 4.7.2014 (Annexure P-13) in this regard. The petitioner vide letter dated 14.9.2014 (Annexure P-14) requested respondent No.2 for login ID and Password for viewing the status of the alternate plot and the account statements. Respondent No.2 vide notice dated 11.12.2014 (Annexure P-15) demanded an amount of ₹ 24,55,983/- on account of enhanced compensation from the petitioner. The petitioner sent a letter dated 19.12.2014 (Annexure P-16) respondent No.5 with copy to respondent No.3 through postal receipts (Annexure P-17) to adjust the amount already paid against the disputed plot and offer the possession of the alternate plot. Respondent No.5 vide letter dated 10.1.2016 (Annexure P-

18) offered the possession of the alternate plot. Vide public notice dated 23.1.2016 (Annexure P-19), respondent No.5 invited applications for the allotment of alternate plot. Respondent No.5 vide letter dated 3.2.2016 (Annexure P-20) informed the petitioner to take revised possession of the plot. The petitioner vide letter dated 17.2.2016 (Annexure P-21) and 20.2.2016 (Annexure P-22) requested respondent No.5 for the allotment of alternate plot, but no response has been received till date. Thereafter, the petitioner made a representation dated 1.5.2017 (Annexure P-23) to the Chief Minister Grievances Redressed and Monitoring System which was received online vide receipt dated 1.5.2017 (Annexure P-24). Further, the petitioner vide letter dated 18.5.2017 (Annexure P-25) requested respondent No.4 for the alternate plot and also sent a letter dated 8.10.2017 (Annexure P-27) to the Chief Minister, Haryana in this regard. Besides this, the petitioner also sent the letter dated 14.11.2017 (Annexure P-28) to respondent No.3 for the allotment of alternate plot. The said letter was also sent to respondents No.4 and 5 through registered post as is clear from the postal receipts dated 14.11.2017 (Annexure P-29). The petitioner also sent e-mails (Annexure P-30 Colly) to respondents No.2, 5 and other officers on various dates along with photographs (Annexure P-31 Colly). Even the respondents have not corrected the account statement (Annexure P-32) of the petitioner. 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 letter dated 17.2.2016 (Annexure P-21) to respondent No.5, 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 letter dated 17.2.2016 (Annexure P-21), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 7, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes