

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6988-2018

Date of Decision: 21.3.2018

Harjap Singh Kahlon

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Nitin Jain, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to take a final decision pursuant to the enquiry report dated 3.3.2005 (Annexure P-8) got conducted under the order dated 4.9.2003 (Annexure P-7) passed by the Additional Chief Administrator (HQ/Policy), GMADA.

2. In the year 1971, the petitioner applied for the allotment of a 500 square yard plot in Urban Estate, Jalandhar and deposited ₹ 1500/- vide receipt dated 12.2.1972. He was not allotted any plot at Jalandhar. Thereafter, the petitioner made a request for allotment of a plot at Mohali instead of Jalandhar, but to no effect. In the year 1993, the Greater Mohali Development Authority (GMADA) invited options from the persons to whom the plots had not been allotted against their earlier applications for allotment of plots upto 500 square yards in Sector 70, SAS Nagar, Mohali or some other sectors of Mohali and to deposit an additional amount to

make upto 10% of the total cost of the plot as earnest money by 29.9.1993. The petitioner exercised his option for the allotment of a 400 square yard plot in Mohali by depositing the balance amount of ₹ 46,500/- on 12.11.1993. Vide letter dated 13.1.1994, the petitioner was informed to attend the draw to be held on 28.1.21994. The petitioner was successful in the draw of lots in the year 1995 and was allotted plot No.3628, Sector 69, Mohali vide allotment letter dated 20.10.1999 (Annexure P-1). The possession thereof was delivered to him on 18.4.2000. The petitioner filed a consumer complaint No. 785-2000 against the respondents and the District Consumer Disputes Redressal Forum-II, UT, Chandigarh vide order dated 26.6.2002 (Annexure P-2) partly allowed the said complaint. Against the order, Annexure P-2, both the parties filed appeals and the State Consumer Disputes Redressal Commission, UT, Chandigarh vide order dated 18.9.2002 (Annexure P-3) modified the order and directed the respondents to pay interest at the rate of 18% per annum on the earnest money after a period of two years from the date of deposit of the said amount till payment. Feeling aggrieved, respondent No.2 filed a revision before the National Consumer Disputes Redressal Commission, New Delhi which was dismissed vide order dated 10.1.2003 (Annexure P-4). During the pendency of the appeal before the State Commission, UT, Chandigarh, the petitioner also moved a representation dated 4.9.2002 (Annexure P-5) to the Vice Chairman, PUDA which was rejected vide letter dated 19.6.2003. Thereafter, the petitioner sent a representation dated 2.7.2003 (Annexure P-6) to respondent No.2 which was marked to the Additional Chief Administrator for taking a final decision thereon who vide order dated 4.9.2003 (Annexure P-7) ordered for an enquiry by the Chief Accounts

Officer (Headquarters). The Chief Accounts Officer submitted the enquiry report dated 3.3.2005 (Annexure P-8). The SLP filed by the PUDA was also dismissed by the Supreme Court vide order dated 3.8.2011 (Annexure P-9). When no action was taken on the enquiry report, Annexure P-8, the petitioner made representations dated 9.2.2017 and 4.5.2017 (Annexures P-10 and P-11, respectively) to respondent No.2 and the Chairman, GMADA, 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 the representations dated 9.2.2017 and 4.5.2017 (Annexures P-10 and P-11, respectively) to respondent No.2 and the Chairman, GMADA, 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.2 to take a decision on the representations dated 9.2.2017 and 4.5.2017 (Annexures P-10 and P-11, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 21, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No