

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-7342-2018
Date of Decision: September 28, 2018

Satyawan

.....Petitioner

Versus

Haryana Urban Development Authority and others

.....Respondents

2. CWP-7986-2018

Ramesh Chander and another

.....Petitioners

Versus

Haryana Urban Development Authority and others

.....Respondents

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

Present: Mr.Dharam Pal, Advocate for
Mr.Vivek Khatri, Advocate for the petitioners.

Mr.Deepak Sabharwal, Advocate for the respondents.

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SURYA KANT, J.(ORAL)

This order shall dispose of the above captioned writ petitions as the point in issue involved in both the cases is common in nature. For the sake of convenience the facts are being extracted from CWP-7342-2018.

[2] The controversy in this case pertains to the rate of allotment of residential plots in Sector 9, Urban Estate, Jind under the Defence Quota. The petitioner was successful in draw of lots for allotment of 10 marla plot held on 19.04.2014, but he was denied the same on the ground that as per his

smaller size.

[3] The determination of eligibility for allotment of a particular size of plots on the basis of rank of an ex defence personnel was disapproved by this Court in CWP-13630-2012, decided on 10.10.2012 (**Chander Bhan Sharma vs Haryana Urban Development Authority and others**) (2012 SCC onLine P&H 19561, in which it was held that there cannot be such an artificial classification. The judgment was upheld by the Hon'ble Supreme Court also and thereafter the petitioner has been allotted the plot on 23.01.2018 (Annexure P-4).

[4] It is not in dispute that the rate of allotment in the year 2014 was ₹8700/- per sq.meter, whereas the allotment has now been made @ ₹14,724.82 per sq.meter. The revised price includes enhancement in compensation at the average rate of ₹724.82 per sq.meter.

[5] The petitioner raised a claim that he should be allotted plot at the rate prevalent in the year 2014, for the Authorities ought to have followed the decision taken in **Chander Bhan's** case (supra) and accepted their eligibility.

[6] We find some force in the contention, especially in the light of the view taken by this Court from time to time including in CWP-5736-2013, decided on 08.03.2017 (**Krishan Kumar and another vs Haryana Urban Development Authority and others**). While the petitioner would be liable to pay the revised price due to enhancement in compensation, his claim regarding allotment at the rate of 2014 deserves favourable consideration by the Authorities. Since the Estate Officer, Jind, has

expressed his helplessness to do so for want of competence, we direct the

Chief Administrator, HUDA to re-determine the allotment price of the petitioner in the light of the observations made above and the judgments cited hereinabove. The Chief Administrator, HUDA will also keep in view the Full Bench decision of this Court in CWP-22252-2016 (Rajiv Manchanda and others vs Haryana Urban Development Authority and another) decided on 22.11.2017

[7] Let an appropriate decision be taken within a period of three months from the date of receipt of a certified copy of this order.

[8] Disposed of.

(SURYA KANT)
JUDGE

September 28, 2018
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(SUDIP AHLUWALIA)
JUDGE

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