

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7818-2018

Date of Decision: 28.3.2018

Vinod Sharma

....Petitioner.

Versus

Haryana State Industrial and Infrastructure Development Corporation Ltd.,
Panchkula and others

...Respondents.

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

PRESENT: Mr. Ankit Aggarwal, 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 issue Regular Letter of Allotment of GH-23, Sector 2, Bawal and for handing over actual physical possession thereof in terms of orders dated 22.3.2016 (Annexures P-1 and P-2, respectively) passed by this Court and dated 11.12.2017 (Annexure P-3) passed by the Supreme Court.

2. In the year 2006, an industrial plot was allotted to the petitioner at Bawal. The Haryana State Industrial and Infrastructure Development Corporation Ltd., Panchkula (in short “the Corporation”) allotted Group Housing (GH) plots to the industrial units by draw of lots. Since the

petitioner was having industrial plot No.233, Sector 3, Bawal, he was allotted GH-23 for the residence of the employees. The respondents vide order dated 13.8.2010 (Annexure P-4) resumed the GH plot of the petitioner on the ground that he neither started construction activities at the site nor he was depositing the installments. Further, the respondents had extended the date of implementation of the project over the industrial plot by one year, i.e. upto 30.3.2010 from 30.3.2009 vide letter dated 17.7.2009 with a condition that in case the petitioner wanted to retain the GH plot, he had to pay the cost of the GH plot @ ₹ 5760/- per square meter. The petitioner had already started production on the industrial unit prior to 30.3.2010. The construction was completed and all the installments were paid and even the petitioner had applied for final allotment letter and possession thereof. The petitioner filed CWP-16594-2010 challenging the resumption order dated 13.8.2010. The said writ petition was dismissed as withdrawn vide order dated 7.1.2011 to file an appeal. In pursuance thereto, the petitioner filed an appeal which was dismissed by the Appellate Authority against which the petitioner filed CWP-2851-2013 and this Court vide order dated 7.7.2014 directed the petitioner to submit the proof of the production and employees and to file an affidavit in this regard. The respondents were directed to decide the appeal afresh with liberty to the petitioner to supplement the record of the appellate authority with any additional document, if need be. In response thereto, the petitioner submitted evidence and the appellate authority vide order dated 16.1.2015 (Annexure P-5) rejected the appeal. Against the order, Annexure P-5, the petitioner filed CWP-14322-2015 and one similarly situated company, namely, M/s Suave Automotive Corporation also filed CWP-12314-2015 and this Court vide orders dated

22.3.2016 (Annexures P-1 and P-2, respectively) quashed the said orders in both the petitions. Against the said orders, the respondents filed SLP-12192-2017 and the Supreme Court vide order dated 11.12.2017 (Annexure P-3) dismissed the said SLP. Thereafter, the petitioner sent a representation dated 20.2.2018 vide postal receipt (Annexure P-6 Colly) to the General Manager (C&H) of the Corporation for handing over the actual physical possession of GH-23, Bawal and for issuance of Regular Letter of Allotment of GH-23, 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 a representation dated 20.2.2018 (Annexure P-6) to the General Manager (C&H) of the Corporation, 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 representation dated 20.2.2018 (Annexure P-6), 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 28, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No