

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-809-2018

Date of Decision: 17.1.2018

Sumer Singh and others

....Petitioners.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

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

PRESENT: Mr. Gaurav Bakshi, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents not to charge possession offer interest from them as the basic amenities including infrastructural facilities like sewerage line, street lights, parking in front of DSS site No.1 to 15 are not provided at the site at Sector 10, Gurgaon and to waive off the same upto 14.7.2014 as the date of completion of development work as per their letters dated 26.5.2014 and 27.10.2014 (Annexure P-4 Colly) shows incomplete development work at the DSS sites till date.

2. Respondent No.3 auctioned double storey shops on 15.4.2013 in Urban Estate, Sector 10, Gurgaon and as per advertisement 10% of the

thereto, the petitioners took part in the auction of DSS sites and being successful bidders, were allotted DSS sites vide allotment letters dated 15.4.2013 (Annexure P-1 Colly). The petitioners duly deposited balance 25% installments of the DSS sites well in time and had obtained occupation certificate of the same from respondent No.3. The respondents offered possession of the DSS sites to the petitioners with the allotment letter without completion of development works of basic amenities as is clear from the photographs (Annexure P-2). The petitioners made various representations (Annexure P-3 Colly) to respondent No.3 for waiving off possession interest without providing basic amenities and development of the sites in question. Respondent No.3 vide letters dated 26.5.2014 and 27.10.2014 (Annexure P-4 Colly) admitted that the development work of DSS sites in Sector 10, Gurgaon was still in progress till 14.7.2014 and, therefore, the possession interest had to be waived off for the said period and the same had not to be charged from the petitioners. Respondent No.3 vide letter dated 12.10.2015 (Annexure P-5) waived off possession interest of DSS sites of Sector 47, Gurgaon. Accordingly, the petitioners sent a legal notice dated 26.12.2017 (Annexure P-6) to the respondents for waiving off possession offer interest, 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 served a legal notice dated 26.12.2017 (Annexure P-6) upon the respondents, 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.3 to take a decision on the legal notice dated 26.12.2017 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 17, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes