

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8715-2018

Date of Decision: 6.4.2018

Akansha Gupta

....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. Pankaj Yadav, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notice dated 18.8.2017 (Annexure P-17) imposing penalty qua plot No.682-K, Sector 57, Gurugram and also to quash the notices dated 27.2.2012 and 1.8.2012 (Annexures P-5, P-7 and P-8, respectively) qua plot No.299, Sector 52, Gurugram and dated 31.10.2014 (Annexure P-14) qua plot No.682-K, Sector 57, Gurugram directing the petitioner to make the payments of enhancement. Further, a writ of mandamus has been sought directing the respondents to allot an alternative plot in lieu of plot in question.

2. The petitioner purchased plot No.299, Sector 52, Gurugram measuring 19 marlas and the respondents issued transfer permission in her favour vide letter dated 2.3.2006 (Annexure P-1) and thereafter, re-allotment letter dated 17.4.2006 (Annexure P-2) was issued in favour of the petitioner. Respondent No.3 vide letter dated 31.5.2006 (Annexure P-3) offered possession of the said plot and in response thereto, the petitioner took physical possession thereof vide certificate dated 12.9.2006 (Annexure P-4). Vide letter dated 27.2.2012 (Annexure P-5), respondent No.3 directed

the petitioner to deposit ₹ 11,37,010/- towards enhanced cost of the plot. Respondent No.3 vide letter dated 30.5.2012 (Annexure P-6) informed the petitioner that the draw of allotment of alternate plot against the disputed plot No.299, Sector 52, Gurugram would be held and requested to attend the same. Vide letters dated 1.8.2012 (Annexures P-7 and P-8, respectively), the petitioner was asked to deposit the enhanced cost of the said plot amounting to ₹ 3,90,815/- and ₹ 6,30,376/-. The petitioner was informed vide letter dated 4.2.2013 (Annexure P-9) that mini draw for allotment of alternate plot would be held and was requested to attend the same. Respondent No.3 vide letter dated 5.11.2013 (Annexure P-10) demanded a sum of ₹ 22,72,200/- regarding plot No.299, Sector 52, Gurugram. The petitioner was informed vide letter dated 10.2.2014 (Annexure P-11) to attend the mini draw of lots to be held on 19.2.2014 at 10.00 AM. Vide allotment letter dated 4.7.2014 (Annexure P-12), the petitioner was allotted alternate plot No.682-K, Sector 57, Gurugram in lieu of disputed plot No.299, Sector 52, Gurugram. The petitioner vide letter dated 21.7.2014 (Annexure P-13) requested respondent No.3 to waive off the enhancements of plot No.299, Sector 52, Gurugram. Further, vide notice dated 31.10.2014 (Annexure P-14), respondent No.3 demanded the additional price of ₹ 19,01,438/- qua plot No.682-K, Sector 57, Gurugram. The petitioner vide letter dated 7.11.2014 (Annexure P-15) requested respondent No.3 for settlement of accounts and thereafter moved various representations dated 14.5.2015, 12.6.2015, 8.9.2015 and 21.1.2016 (Annexure P-16 Colly), but to no effect. However, respondent No.3 issued a notice dated 18.8.2017 (Annexure P-17) to the petitioner to show cause as to why penalty be not imposed qua plot No.682-K, Sector 57, Gurugram. The petitioner filed reply dated 11.9.2017 (Annexure P-18) to the said show cause notice. The petitioner vide application dated 11.9.2017 (Annexure P-19) moved under the Right to Information Act, 2005 asked the reasons for delay in handing over the possession of the plot in question. In response thereto, respondent No.3 vide reply dated 6.10.2017 (Annexure P-20) informed the petitioner that plot in question had fallen under CWP-21962-2014 and, therefore, the possession of the plot was delayed. Thereafter, the petitioner sent a representation dated 28.11.2017 (Annexure P-21) to respondent No.3 for allotment of an alternative plot and to refund the

enhanced cost of the plot, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that against the show cause notice dated 18.8.2017 (Annexure P-17) issued by respondent No.3, the petitioner had already filed reply dated 11.9.2017 (Annexure P-18), 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 reply dated 11.9.2017 (Annexure P-18), 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

April 6, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes