

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.8432 of 2020(O&M)

Date of Decision:-22.09.2020

Jai Parkash.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. Kamal Chaudhary, Advocate for the Petitioner.

Mr. Deepak Sabharwal, Additional Advocate General, Haryana.

JASWANT SINGH, J.

Petitioner by way of filing the present writ petition has sought issuance of Writ in the nature of Mandamus to the respondents to issue allotment letter against vacant plots lying in Sector 25, Part-II, Panipat under Oustees Quota.

Learned Counsel for the petitioner-Jai Parkash has argued that although he was allotted a vacant plot in Sector 25, Part-II, Panipat after conducting draw of lots on 28.04.2016 (**P-10**) in pursuance to directions given by Division Bench of this Court vide order dated 11.01.2016 but he has not been issued allotment letter thereafter. It is further argued that an amount of Rs. 50,000/- was deposited by him much earlier on 30.11.11 (**P-8**) in pursuance of an advertisement issued by respondent which is to be

adjusted as upfront money. It is therefore argued that on account of inaction on part of respondents, the present writ petition has been filed seeking writ in the nature of mandamus for giving directions to the respondents to issue allotment letter against vacant plots lying in Sector 25, Part-II, Panipat.

We have heard Ld Counsel for the petitioner at length, however on a pointed query counsel for petitioner has not been able to explain as to why he is approaching this Court after a period of more than 4 years from the date when the draw of lots was conducted. Further, he has not been able to show that petitioner has been pursuing his case with the authorities for allotment through written communication/s. It is settled position of law that merely being successful in draw of lots does not create a vested right in favor of allottee until and unless a binding contract is signed between them.

Infact, *prima-facie* we have also expressed our doubt regarding maintainability of a suit for specific performance/ declaration/ recovery at such belated stage as well, on account of being barred by limitation.

Faced with this situation and sensing that this court is not in agreement with him, he prays for withdrawal of the writ petition.

Prayer is allowed and the present writ petition is ordered to be **dismissed as withdrawn.**

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

September 22, 2020
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No