

115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.10513 of 2020 (O&M)
Date of decision: 23.07.2020

Sudha Jain

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Ashok Kumar Verma

Present: Mr. Lalit Rishi, Advocate, for the petitioner.

Rakesh Kumar Jain, J. (Oral)

Case taken up through Video Conferencing.

This petition is filed for the issuance of writ in the nature of certiorari for quashing of the order dated 02.05.2018 (Annexure P-6) and for the issuance of writ in the nature of mandamus, directing the respondents to refund the earnest money deposited by the petitioner along with interest, following Regulation 5(5) of the Haryana Urban Development (Disposal of Land and Buildings) Regulations, 1978.

Counsel for the petitioner has submitted that the respondents had invited applications for allotment of plots in Urban Estate, Sector – 21 (Part), Rohtak on 28.12.2016. The petitioner had applied for a six marla plot vide her application dated 17.02.2017 and deposited earnest money amounting to ₹2,70,000/- as per the terms and conditions of the Brochure dated 28.12.2016 (Annexure P-1). The draw of lots was held on 16.10.2017 in which the petitioner was successful. The letter of allotment was issued to the petitioner on 13/14.12.2017. The tentative price of the plot was ₹27,72,000/- and the petitioner was required to deposit ₹4,23,000/- within a period of 30 days i.e. on or before 11.01.2018 from the date of issuance of the allotment letter. The petitioner surrendered the plot on 15.12.2017 and sent her request for surrender through

registered post as well as speed post on 23.12.2017 i.e. within 10 days of the

allotment of the plot. The petitioner sent another letter of surrender on 11.01.2018 but on 02.05.2018, the request of the petitioner was turned down on the ground that there is no provision for refund of the earnest money.

Counsel for the petitioner has relied upon an order passed by this Court in CWP No.5771 of 2018 Rajesh Kumar and others vs. State of Haryana and others decided on 21.11.2019 (DB).

Notice of motion.

At this Stage, Mr. Ankur Mittal, Additional Advocate General, Haryana has put in appearance on behalf of the respondents.

He has fairly submitted that this Court may direct respondents No.2 and 3 to consider the request of the petitioner by converting the writ petition in to a representation and order for its decision within the time prescribed by this Court, after taking into consideration the earlier decision rendered in Rajesh Kumar's case (Supra).

Counsel for the petitioner has accepted the aforesaid suggestions.

Thus, in view thereof, the present writ petition is hereby disposed of by converting it into a representation which shall be considered by respondents No.2 and 3 in the light of the decision of this Court rendered in Rajesh Kumar 's case (Supra) and decide the issue regarding refund of the earnest money along with interest to the petitioner within a period of 30 days from the date of receipt of certified copy of this petition.

[RAKESH KUMAR JAIN]
JUDGE

[ASHOK KUMAR VERMA]
JUDGE

23.07.2020
hemlata

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No