

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9983-2021(O&M)

Date of Decision:15.11.2021

Dharam Pal

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr.B.R.Mahajan, Advocate General, Haryana assisted by
Mr.Ankur Mittal, Addl.AG, Haryana.

Mr.Priyavrat Parashar, Advocate for respondent No.2.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner filed the instant petition seeking a mandamus directing the respondents to deliver possession of Plot No.187, Phase V IMT Manesar, District Gurugram in the light of an intimation letter as regards allotment of such plot.

Notice of motion having been issued, a joint written statement on behalf of respondents No.3 to 6 has been filed and placed on record.

Para 8 of such written statement would be relevant and the same

is reproduced hereunder:-

“ 8. That it is respectfully submitted that as far as the present factual status is concerned, the Corporation planned to develop three pockets for Rehabilitation and Resettlement purposes namely Pocket 'A', 'B' and 'C', out of which only Pocket 'A' is free from litigation. Total number of eligible applicants as far as present acquisition is concerned are 538, and there are 290 plots available of different categories in Pocket 'A' for allotment. Suffice to mention that the plot allocated to the petitioners also forms part of Pocket 'A' only, therefore the possession of the plot in the said pocket can be offered to the petitioner. However as submitted that due to ongoing litigation the connectivity could not be given to the said Pocket and the services could not be laid down, therefore considering same, the following proposal is being made for the kind consideration of this Hon'ble Court :-

A. That the decision has been taken to provide connectivity to Pocket 'A' from IMT Phase-I, which is adjacent and the basic infrastructure facilities will be accordingly laid down. It is submitted that the laying down of services/basic infrastructure facilities will take minimum 24 months and accordingly the possession of the site will be offered after the basic facilities are laid down.

B In the alternative, the applicants can choose to opt for suo moto possession of the plot on 'as is where is basis' without there being formal offer of possession by the respondent Corporation. The formal possession of the

*plot would be offered after the laying down of services which will take minimum 24 months, in case the petitioner opts for suo moto possession of the plot, the petitioner has to pay 15% of the tentative price of the plot within 30 days of the issuance of the Letter of Intent and thereafter Regular Letter of Allotment will be issued. The rest of the amount of 75% may be paid by the petitioner either in lump sum within a period of 90 days without any interest from the date of issuance of Regular Letter of Allotment or in eight equal instalments, In case of normal allotment the allottee is charged 12% per annum interest on the instalment amount, however, in case suo moto possession of the plot is taken then the interest on instalment is not charged till the time the offer of possession is given by the Corporation after development of basic infrastructure facilities, however any delay in payment shall carry interest @ 15% per annum compounded annually on the amount in default for the defaulted period. The guidelines governing the allotment of plots under R&R policy are annexed herewith a **Annexure R-5** for the kind perusal of this Hon'ble Court.*

*The copy of the Layout plans of IMT Phase V Manesar along with plan of Pocket A is annexed herewith as **Annexure R-6** and **Annexure R-7** respectively for the kind consideration of this Hon'ble Court.”*

Clearly two alternatives i.e. option 'A' and option 'B' have been offered in the written statement.

Counsel representing the petitioner makes a statement that the petitioner is ready and willing to choose option 'B' as culled out in para 8 reproduced hereinabove.

Such statement made by counsel, Mr.Ashish Gupta, is accepted.

Needless to observe that the respondents also would remain bound by such option that has been offered as per contents of para 8 of the reply.

In view of the above, nothing survives for adjudication.

Writ petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S.BHARDWAJ)
JUDGE

15.11.2021
sunita

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