

CWP-11927-2021

Date of Decision: 07.07.2021

BALJINDER KAUR

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Ajay Kumar Kansal, Advocate
for the petitioner.

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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 has filed the instant petition assailing notice dated 31.5.2021 (Annexure P-14) issued by the Haryana Shehri Vikas Pradhikaran calling upon the petitioner to remit an amount of Rs.20,00,117/- within a period of 30 days from the date of issue of the notice. In the notice itself the penalty of 10% of the due amount is also contemplated.

Counsel has vehemently contended that the impugned show cause notice pertains to a residential 10 Marla plot bearing No. 2385 in Section 2, Urban Estate, Faridabad. On previous occasion also a similar show cause notice had been issued and to which the petitioner had duly responded and calling upon the break up of the amount that had been

demanded. In spite of detailed replies having been furnished, no positive response was evoked and now the petitioner is again being harassed in terms of issuance of the impugned notice dated 31.5.2021 under Section 17 (1) of the HSVP Act, 1977. It has also been asserted that such demand has been raised in spite of issuance of a no due certificate wayback in the year 2010.

Notice of motion.

Mr. Sandeep Moudgil, Addl. AG Haryana joins the proceedings and accepts notice on behalf of respondent Nos. 1 to 3.

We are of the considered view that there have been no requirement of eliciting a written response to the writ petition at this stage.

The impugned notice dated 31.5.2021 (Annexure P-14) is in the nature of a show cause. Concededly petitioner has responded to the show cause notice by filing a reply dated 9.6.2021 (Annexure P-15). Under such circumstances, the competent authority ought to apply its mind to the response furnished by the petitioner to the impugned show cause notice and thereafter take a final view in the matter.

In view of the above and without opining on the merits of the case, we deem it appropriate to dispose of the writ petition at the very threshold with a direction to respondent No.3/competent authority to take a final decision in the matter after taking into account the grounds/submissions raised by the petitioner in the reply to the impugned show cause notice as also the averments made in the instant petition.

It will be appreciated if the final decision is taken in terms of a reasoned and speaking order within a period of six weeks from today.

In the meanwhile no coercive steps shall be initiated against the petitioner and the same shall be subject to final order that has been directed to be passed.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

07.07.2021
Janki

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