

CWP-12789-2021

Date of Decision: 15.07.2021

USHA MALIK

... PETITIONER

VS.

STATE OF HARYANA AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vikas Malik, Advocate
for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA , J.(ORAL)

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

Petitioner has filed the instant writ petition assailing a show cause notice dated 19.02.2020 (Annexure P-4) issued by the Estate Manager, Housing Board Haryana, Panchkula contemplating cancellation of Flat No. 602 in GHS 93, Sector-20, Panchkula.

Facts of the case are in a narrow compass.

It has been averred that the respondent-Haryana Housing Board had launched a housing scheme in the year 2007 offering Built-Up Modern Multi Story Flats in Sector-20, Panchkula and had issued a brochure containing the relevant terms and conditions/features of the scheme. 20% reservations for allotment of the flats had been made for the housing board employees including employees on deputation from other departments. One Shri Vijay Kumar Verma (respondent No.4 herein) being an employee of the respondent-Board applied for allotment of a flat of Type-A under the

reserved category and he was declared successful in the draw of lots that was held on 25.04.2008. On completion of the scheme, Flat No. 402, GHS-93, Sector-20 Panchkula was allotted to respondent No.4 vide letter dated 11.06.2008 (Annexure P-2).

Present petitioner is stated to have purchased the flat in question from the 4th respondent in the year 2012. Permission to transfer the said flat in the name of the petitioner was also accorded by the respondent-Board vide communication dated 25.01.2012.

Counsel submits that it is now after a lapse of almost 09 years that the impugned show cause notice dated 19.02.2020 (Annexure P-4) has been issued purportedly on the ground that the 20% reservation that was made for housing board employees was without prior approval of the State Government.

We have been informed that the petitioner has already submitted a detailed reply dated 05.03.2020 (Annexure P-5) and thereafter even a representation/reminder dated 14.06.2021 (Annexure P-6), but till date no final decision has been taken and in any case none has been conveyed to the petitioner.

Having heard the counsel at length and having perused the pleadings on record, we are of the considered view that the validity of the impugned show cause notice dated 19.02.2020 (Annexure P-4) need not be gone into by us. Petitioner has already responded to the show cause notice and it is the respondent-authority/competent authority which ought to consider all the grounds/submissions raised in the reply and thereafter take a final decision in the matter.

Notice of motion.

Since an advance copy of the writ petition has already been served upon respondents, Mr. Sandeep Moudgil, Additional Advocate General, Haryana, joins proceedings and accepts notice on behalf of respondents No. 1 to 3.

Mr. Moudgil takes a fair stand and submits that final decision pursuant to the impugned show cause notice would be taken by the competent authority within a period of 10 weeks from today in terms of passing a reasoned and speaking order.

Statement suffered by counsel representing respondents No. 1 to 3 is accepted.

Writ petition is disposed of.

We, however, direct that till the date of passing of a final order by the competent authority, no coercive steps shall be initiated against the petitioner.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

15.07.2021

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