

CWP-14148-2021

Date of Decision: 30.07.2021

MAHIPAL SHARMA

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

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

Present: Mr. Onkar Rai, 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.

As per pleadings on record residential Plot No. 103-P, Sector 12, Urban Estate, Palwal admeasuring 14 Marlas was allotted to the petitioner in the year 2015. Such allotment would be discernible even from the documents i.e. copy of offer of possession placed on record and appended as Annexure P-2 along with the instant petition.

Petitioner has now filed the instant petition seeking a mandamus directing the respondent-HUDA authorities (now Haryana Shehari Vikas Pradhikaran) to refund the entire amount of Rs. 11,58,300/- along with interest @ 12% p.a. from the date of payment till realization. It has been averred that the refund amount has been limited to Rs.3,98,813/- and an amount of more than Rupees 7 lakhs stands forfeited.

Since an advance copy of the writ petition had been served upon the respondents, Mr. Sandeep Moudgil, learned Addl. AG Haryana has joined proceedings and informs us that he has telephonic instructions from Mr. Jitender Kumar, Estate Officer, HSVP, Faridabad that the plot in question already stands resumed.

We find that the order of resumption has not been placed on record and neither is being assailed.

Under such circumstances, prayer made in the instant petition cannot be gone into.

Confronted with such a situation, counsel for the petitioner seeks withdrawal of the writ petition with liberty to raise a challenge to resumption order, if so advised, and on all such grounds that may be available to the petitioner in accordance with law.

Disposed of as withdrawn.

(TEJINDER SINGH DHINDSA)
JUDGE

30.07.2021
Janki

(VIVEK PURI)
JUDGE

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