

CWP-18761-2021

Date of Decision: 20.09.2021

SUSHILA DEVI

... 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. Naveen S. Bhardwaj, Advocate for the petitioner.

Mr. Sandeep Moudgil, Addl. AG Haryana.

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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.

Pleadings on record indicate that Plot No. 552-P, Sector 52, Gurugram admeasuring 500 Sq. Yards was initially allotted in favour of one Sanjeev Chaurasia. Petitioner herein is a subsequent purchaser of the said plot and re-allotment letter in her favour was issued on 27.12.2004, Annexure P-3.

Apparently, petitioner filed a complaint that there had been an illegal/fraudulent transfer of the plot in question in the name of Kamal Singhal and Pankaj Kumar and thereafter in the names of Bimla Bhargava and Parveen Bhargava. She accordingly prayed for transfer of the plot back in her name.

Annexure P-8 issued by the Estate Officer-II, Haryana Shehari Vikas Pradhikaran, Gurgaon the transfer permissions issued vide letters dated 14.7.2008, 28.4.2009, 18.6.2018 and subsequent re-allotment letters issued in favour of Kamal Singhal and Pankaj Kumar, Smt. Bimla Bhargava and Parveen Bhargava dated 23.12.2008, 9.6.2009 and 6.7.2018 were withdrawn. The same were in fact declared null and void.

Liberty was granted to the petitioner herein to approach the appropriate Forum for taking necessary action for cancellation of the Conveyance Deed if the same had been executed.

The instant petition is directed against memo dated 15.9.2021, Annexure P-16 issued by the Estate Officer-II, Haryana Shehari Vikas Pradhikaran, Gurgaon and in terms of which the previous speaking order dated 8.9.2021 stands withdrawn.

The primary submission advanced by counsel is that the impugned memo dated 15.9.2021, Annexure P-16 has been passed without issuing any notice/affording an opportunity of hearing to the petitioner even though it involved her civil rights.

Since an advance copy of the writ petition had already been served upon the respondents, Mr. Sandeep Moudgil, learned Addl. AG Haryana has joined proceedings and concedes the factual premise that the impugned memo dated 15.9.2021, Annexure P-16 has been passed at the back of the petitioner.

He submits that he has instructions to make a statement that the impugned memo dated 15.9.2021, Annexure P-16 would be withdrawn forthwith and thereafter a fresh order would be passed in accordance with law and after affording an opportunity of hearing to the petitioner.

Counsel for the petitioner does not oppose such course of action.

In view of the above, writ petition is disposed of having been rendered infructuous.

We have not examined the issue on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

20.09.2021
Janki

(VIVEK PURI)
JUDGE

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