

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-4338-2022 (O&M)

Date of Decision:07.03.2022

Kamla Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE LALIT BATRA**

Present:- Mr. Nitish Bhatia, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioner has filed the instant petition seeking a mandamus directing the respondents to issue in his favour a No Due Certificate (NDC) in respect of plot No.961, Sector-51 Gurugram.

As per pleadings on record, the petitioner was initially allotted a plot bearing No.348, Sector-52, Gurugram in the year 2003.

However, such plot was cancelled and in lieu of the initial allotment, plot bearing No.961, Sector 51, was allotted to the petitioner vide memo dated 04.07.2014.

Counsel contends that the petitioner had availed of the one time settlement scheme in the year 2018 and had deposited a sum of Rs.34,63,384/-.

As per counsel at that point of time the portal of HUDA (now HSVP) reflected zero (0) amount payable towards the enhancement cost.

Apparently, on the HSVP portal now an amount of

Rs.6,10,165/- is again reflected under the Head of Enhancement Balance.

The case projected on behalf of the petitioner is that such amount is wrongfully being demanded/shown on the web portal.

It is argued that the total enhancement amount had already been settled by virtue of the one time settlement scheme having been availed of.

Precise prayer is that under such circumstances the No Due Certificate in respect of the plot in question ought to be issued.

Having heard arguments at length and having perused the pleadings on record, we are of the considered view that no intervention at this stage is warranted.

A specific query was put to counsel as to whether the petitioner had approached the competent authority under the HSVP to find out the basis for such amount of Rs.6,10,165/- being shown as outstanding against the petitioner under the Head of Enhancement Cost and as to whether any calculation sheet(s) had been sought.

Counsel has been candid to concede that in such regard the HSVP authorities have not been approached.

Under such circumstances, this Court would be handicapped to return a finding as to whether the amount of Rs.6,10,165/- under the Head of Enhancement Cost is justifiable or not. The petitioner ought to approach the HSVP authorities in such regard and to seek a calculation sheet for justifying such demand and only thereafter may seek legal redress, if so advised.

In view of the above, writ petition is disposed of.

It would be open for the petitioner to approach the HSVP authorities as regards the outstanding amount being reflected pertaining to the plot in question under the Head of Enhancement Cost.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

07.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No