

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-4079-2022 (O&M)
Date of decision:03.03.2022

Om Parkash

... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran & others

... Respondents

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

Present:- Mr. Vivek Khatri, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner has filed the instant petition seeking a mandamus directing the respondents/competent authority under the Haryana Shehri Vikas Pradhikaran to issue in his favour an allotment letter as also hand over physical possession of Plot bearing No.3170, Sector-4, Part-II, Hisar.

We have heard counsel at length and have perused the pleadings on record.

Brief facts emanating from the pleadings may require notice.

It has been averred that the petitioner had made a deposit of Rs.1,23,921/- as earnest money for allotment of a plot in the sector in question at Hisar under the oustees quota on 28.02.2007. A draw of lots is stated to have been held in the year 2009 and the petitioner claims that he was successful in such draw of lots. On 03.09.2009, the 3rd respondent i.e. the Estate Officer, HSVP, Hisar called upon the petitioner for submission of an affidavit of the other co-sharers of the land. The categorical assertion made by counsel is that such affidavit was deposited in the year 2009 itself.

The precise case projected is that inspite of the respondent/ authorities having been approached time and again, no response has been

forthcoming and ultimately, even a legal notice dated 14.01.2022 at Annexure P-4 was got served and yet the regular letter of allotment is not forthcoming.

We are of the considered view that the instant writ petition raises a highly belated claim.

No justification whatsoever is forthcoming as regards the period from the year 2009 till 2021. Apart from a bald assertion that numerous representations were filed, nothing else is coming forth. Even assuming that the respondent/Pradhikaran was not acting further in the matter, the petitioner ought to have been vigilant and should have resorted to taking legal recourse but he chose not to do so.

Instant writ petition raises a claim for regular allotment/possession of a plot in relation to a draw of lots that was held in the year 2009. There is a delay of more than a decade in approaching this Court. That apart, during the course of hearing, we confronted Mr. Vivek Khatri, Advocate as regards subsequent policies having been framed by the respondent/ Pradhikaran in terms of the dictum laid down by a Full Bench decision of this Court in **Rajiv Manchanda & others Vs. Haryana Urban Development Authority & another, 2018(4) RCR (Civil) 508**. Mr. Khatri, learned counsel very fairly would concede that a subsequent Policy on the subject of consideration of claims of oustees for allotment of plots was framed in the year 2018 but the petitioner chose not to apply in pursuant to such Policy. It has also been conceded that till date petitioner has not even sought refund of the initial deposit that he had made in the year 2007, even though, there was a specific clause in such regard under the 2018 Policy and

which had been put in public domain.

In the totality of circumstances, no interference in the instant matter is warranted.

The present order was dictated in open Court. Confronted with a situation where this Court was dismissing the writ petition, counsel at this stage makes a request for withdrawal of the writ petition.

We would term such request to be unreasonable and unfair. Request is declined.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

03.03.2022
harjeet

(LALIT BATRA)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |