

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

122

**CWP-7208 of 2022
Date of Decision:06.04.2022**

Raman Lata

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Akshay Bhan, Sr. Advocate, with
Mr. Amit Jain, Advocate,
for the petitioner.

Mr. P.S. Chauhan, Addl. A.G., Haryana

AMOL RATTAN SINGH, J. (ORAL)

Vide this petition, the petitioner seeks a writ in the nature of *mandamus* directing the respondents to remove all existing encroachments and a huge tree from plot in question, i.e. 2414P, Sector 57, Gurugram. In the alternative she seeks a refund of the amount deposited by him without any forfeiture.

Learned senior counsel appearing for the petitioner submits that despite the plot as has been bid for by the petitioner and has been allotted to her, not being encumbrance free, an additional amount of 15% of the consideration money is to be deposited by the petitioner by 08.04.2022, which the petitioner is

apprehensive of depositing lest the site is not made encumbrance free by the time that the petitioner is handed over possession thereof.

On an advance copy of the petition having been received by learned counsel for respondents no.2 to 4, Mr. Chauhan submits that once the petitioner makes the deposits as are required to be made in terms of the letter of intent issued, an encumbrance free plot would be handed over to the petitioner in terms of the said letter.

That being so, this petition is disposed of with a direction that the petitioner would be necessarily required to deposit the amounts as are required within the time stipulated in the letter of intent and thereafter, if the respondents are not able to hand over an encumbrance free plot to the petitioner, the petitioner may be entitled to refund of the money alongwith appropriate interest thereupon, (which of course would be seen any later stage depending upon the circumstances of the case as presented at that stage).

At this stage at least, on the fair statement made by learned counsel for the respondent, we see no reason for any further directions to be given.

(AMOL RATTAN SINGH)
JUDGE

April 06, 2022
dinesh

(LALIT BATRA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No