

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 17622 of 2022(O&M)
Date of Decision:20.09.2022

Vinay Aggarwal

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MR. HARSH BUNGER

Present: Mr.Vikas Malik, Advocate
for the petitioner.

Mr. Raman Sharma, Addl.AG., Haryana.

LISA GILL, J(Oral).

Petitioner is aggrieved of issuance of show cause notice dated 19.02.2020, Annexure P-5, for cancellation of allotment of Flat No. 504 in GHS 93, Sector-20, Panchkula, issued by Estate Manager, Housing Board, Haryana, to the petitioner, alleging the same to be illegal, unlawful and arbitrary.

Learned counsel for the petitioner submits that the respondent-Housing Board launched a Housing Scheme in the year 2007 offering Built-up Modern Multi Storeyed Flats in Sector 20, Panchkula. A brochure containing the relevant terms and conditions of the Scheme was issued, wherein it was provided that 20% flats shall be reserved for allotment to Housing Board employees including employees on deputation from other departments. It is submitted that respondent no.4, an ex-employee of the respondent-Board applied for allotment and ultimately allotment letter was issued to respondent no.4 on 31.10.2011 after he was declared successful in

the draw of lots and Flat No. 504 in GHS 93, Sector-20, Panchkula, was allotted. It is submitted that petitioner purchased the flat in question in March 2012 from respondent no.4. Requisite permission for transfer of the said flat as sought was duly accorded by respondent-Housing Board. In this regard, learned counsel for the petitioner refers to Annexures P-3 and P-4. It is submitted that the petitioner has been in possession of the said flat ever since. However, much to his amazement and shock impugned show-cause notice dated 19.02.2020, Annexure P-5, was issued for cancellation of allotment of the flat after lapse of such long years on the ground that 20% reservation for Housing Board employees was without prior approval of the State Government.

Learned counsel for the petitioner submits that reply dated 03.03.2020, Annexure P-6 and thereafter a reminder/representation dated 08.10.2021, Annexure P-7, have been submitted, but final decision has not been taken till date to the knowledge of the petitioner. Learned counsel for the petitioner further submits that similarly situated person filed CWP no. 12789 of 2021, which was disposed of on 15.07.2021, directing the authorities to take a final decision in the matter. Pursuant thereto, transfer of the flat to the subsequent purchaser similarly situated as the petitioner was found to be valid as per order dated 30.09.2021, Annexure P-9.

At this stage, learned counsel for the petitioner restricts the prayer for a decision on representation dated 08.10.2021, Annexure P-7, in a time bound manner.

Notice of motion.

Mr. Raman Sharma, Addl.AG., Haryana, accepts notice on behalf of respondent no.1 and at the asking of Court accepts notice on behalf of respondents no.2 and 3 and does not raise any serious objection to the

restricted prayer addressed.

Keeping in view the facts and circumstances as above, but without expression of any opinion on the merits of the case, this writ petition is disposed of with a direction to the competent authority to decide representation dated 08.10.2021, Annexure P-7, filed by the petitioner in accordance with law, expeditiously and preferably within three (03) months from the date of receipt of certified copy of this order.

Till passing of final order by the competent authority, no coercive steps be initiated against the petitioner.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

September 20, 2022.
s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.