

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

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Civil Writ Petition No.1720 of 2023 (O&M)
Date of Decision: January 30th, 2023

Vikas Malik

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Ms. Tejaswini for Mr. Kamal Gupta, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Advocate
for respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner although is a subsequent purchaser from the original allottee has deposited the due amount in full in accordance with the terms of allotment and even the transfer of the plot in the name of the petitioner stood made on 23.11.2009. The aspect, which probably goes against the petitioner is limited to the extent that physical possession of the plot was not taken by the petitioner till he approached the respondents in the year 2021.

It would not be out of way to mention here that all through the extension charges were being charged from the petitioner, which were duly paid by the petitioner and, therefore, the aspect with regard to the non taking of possession cannot be taken against the petitioner. Now what has been sought to be projected is that the original landowners have got back the land in pursuance to the litigation because of which the respondents are unable to hand over the physical possession of the plot, which was transferred in the name of the petitioner.

Counsel contends that the petitioner had been approaching the respondents and the re-allotment of the plot to the petitioner is under active

(Annexure P-7) had been submitted by the petitioner to the Estate Officer, Bahadurgarh, however, when no response was received, an application under the Right to Information Act, had been submitted where the details and the reasons for non-handing over of the possession of the plot has been highlighted. Modification of the initial policy dated 18.02.2013 has been made on 15.11.2021, which also covers the claim of the petitioner. The petitioner, therefore, would be entitled to the allotment of a plot as the original policy still subsists of the year 2013 as the subsequent policy is limited to the extent of modification. Learned counsel for the petitioner has also referred to the search results, which indicate that the competent authority has made recommendation with regard to the allotment of an alternative plot in favour of the petitioner.

Counsel contends that the petitioner would file a detailed representation highlighting the claim of the petitioner and the entitlement of re-allotment of the plot in pursuance to the policy, as has been issued by the respondents. The said representation would be submitted within a period of three weeks from today to the respondents, which may be considered and a decision taken thereon within some specified time.

Notice of motion.

On the asking of the Court, Mr. Pravindra S. Chauhan, Advocate, accepts notice on behalf of respondents No.1 to 4.

In case the petitioner submits a representation within a period of three weeks from today as is being stated by the counsel for the petitioner, the same shall be considered and a decision taken thereon by the respondents, especially respondent No.2-Chief Administrator, Haryana Shehri Vikas Pradhikaran, Department of Town and Country Planning,

Panchkula, within a period of six weeks thereafter. Decision so taken be conveyed to the petitioner forthwith.

In case the claim of the petitioner is accepted, the plot be allotted to the petitioner within a further period of four weeks.

The writ petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

January 30th, 2023
Puneet

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No