

2023:PHHC:053046-DB
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP-7789-2023

Date of decision: April 17, 2023

DHARMBIR AND ANOTHER

.....PETITIONERS

Versus

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajnish K.Gupta, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court for issuance of a writ in the nature of mandamus directing the respondents to refund their earnest money as deposited, which has not been returned to them, proceeding on the assumption and relying upon the policy dated 17.05.2018 (Annexure P-1), which has been considered and found to be not in consonance with the statute by a Division Bench of this Court.

Counsel for the petitioners contends that in a similar matter, where notice has been issued by this Court i.e. CWP No.330 of 2021, titled as 'Sanjay and others Vs. State of Haryana and others', respondents had filed a reply wherein it has been stated that the decision has been taken by the Chief Administrator to refund the amount with interest in all cases in accordance with the policy dated 17.05.2018 (Annexure P-1). Counsel for the petitioners further contends that the case of the petitioners would be covered by the said decision and therefore, the relief should have been granted to the petitioners by the respondents at their own. In any case, it has been submitted that the petitioners have submitted a representation dated 19.10.2022 (Annexure P-11) to the Chief Administrator, Housing Board, Haryana – respondent No.3, to which no response has

been received till date. Counsel contends that the petitioners at this stage would be satisfied if a direction is issued to the said respondent to consider and decide the said representation within some specified time.

Notice of motion.

On the asking of the Court, Mr. Pravindra S. Chauhan, Sr. Addl. A.G., Haryana, accepts notice on behalf of the respondents.

In the light of the statement made by the learned counsel for the petitioners, we dispose of the present writ petition without going into merits of the case or commenting thereon by directing the Chief Administrator, Housing Board, Haryana – respondent No.3 to consider and decide the representation dated 19.10.2022 (Annexure P-11) keeping in view the decision as has been taken by the Competent Authority as was so stated in CWP No.330 of 2021, titled as ‘Sanjay and others Vs. State of Haryana and others’, for refund of the amount with interest in accordance with the policy dated 17.05.2018 (Annexure P-1). The decision be taken within a period of four weeks from the date of receipt of certified copy of this order. Decision so taken be conveyed to the petitioners forthwith.

In case the claim of the petitioners is to be accepted, the consequential benefits be released to them within a further period of four weeks.

(AUGUSTINE GEORGE MASIH)
JUDGE

April 17, 2023
PJ

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*