

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

(216)

CWP-9849-2019

Decided on : 25.07.2023

Rajender Singh and others

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioner (s).

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Deepak Sabherwal, Advocate
for respondent Nos.2 to 4.

G.S. Sandhawalia, J. (Oral)

Petitioners in the present writ petition filed under Article 226/227 of the Constitution of India are seeking quashing of the allotment letter dated 19.03.2019 (Annexure P-13 to P-13/B), wherein demand of the plot in question has been made, but a condition has been put that to make good the balance amount of 25% which was to be paid within a period of one month i.e. 17.04.2019. The other grouse of the petitioners is that the 75% balance was thereafter to be paid within 60 days from the date of the issuance of the allotment, failing which the allotment shall stand cancelled. Clause 4 of the allotment letter reads as under:-

“4. You shall deposit amount of Rs. 2115625.00 at the authorized bank and duly credited HUDA account within a period of 30 days i.e. on or before Dt. 17.04.2019 from the date of issue of this allotment letter which together with an amount of Rs. 50,000/- paid by you along with your application form as earnest money, will constitute 25% of the total tentative price. Further, the balance amount i.e. 6496875.00/- of the tentative price of the plot/Building shall be paid in lump-sum without interest within 60 days i.e. on or before Dt.

17.05.2019 from date of issue of allotment letter, failing which this allotment shall stand cancelled without any notice and money deposited by you, shall stand claim for the earnest forfeited and you shall have no damages.”

2. The grouse of the petitioners is that similarly placed oustees have been given the benefit of payment of the 75% amount in six years in six equal installments while placing reliance upon the allotment letter dated 30.11.2011 (Annexure P-7) and 28.10.2016 (Annexure P-7/A). It is pointed out that in similar circumstances in a bunch of cases lead case of which was **CWP No.13048 of 2019 ‘Naresh Vs. State of Haryana and others’** decided on 20.02.2023, the same issue was subject matter of consideration. In the said case the following order was passed:-

“Mr. Parveen Mehta, Advocate, has filed memorandum of appearance on behalf of respondent/HSVP in CWP Nos.37891 of 2018, 34571, 32504, 32488, 31998, 31885 of 2019 and 20727 of 2022, which is taken on record.

Having heard the counsel for the parties and on going through the order dated 22.04.2022 passed by the Administrator, HSVP, Rohtak, in pursuance to the directions issued by this Court, we find the order to be based upon the Full Bench judgment of this Court in *Rajiv Manchanda Versus Haryana Urban Development Authority* and another 2018 (2) PLR 422. The parameters, as have been laid down therein, have been duly relied upon and considered while passing the said order, therefore, we do not find any ground for not agreeing with the same.

Since the petitioners, after the allotment of the plot to them, have immediately approached this Court and the writ petition has been pending all through, we are of the considered view that the petitioners should be granted the benefit of payment of the plots within a period of six years as per the policy of HSVP obviously charging them the relevant interest for the said period. The petitioners be informed about the payment schedule and the instalments. The petitioners will pay the first instalment after a period of 30 days from

the date of receipt of the letter from the respondents intimating them the instalment amount, which they have to pay in pursuance to the order passed by this Court.

These writ petitions stand disposed of in above terms.”

3. It is not disputed that while issuing notice of motion on 20.05.2019 the following order was passed.

“States that in similar matter bearing CWP No.13048 of 2019 notice of motion has been issued for 10.09.2019.

Notice of motion for 10.09.2019.

In the meantime, status quo be maintained subject to deposit of 40% of the demand raised by the respondents from the petitioners”.

4. Thus, apparently 40% amount has already been deposited and the initial amount of 25% has been made good. Resultantly, the matter is squarely covered by the observations made by the Coordinate Bench. The respondent shall issue a revised payment schedule wherein the petitioners be given the benefit of payment within a period of six years as has been done to the similarly placed persons. The petitioners will thereafter pay the first installment which would have become due within 30 days from the receipt of the letter from the respondents intimating them the installment amount. Needless to say that 40% amount would be adjusted while calculating the installments and the revised schedule.

5. The writ petition stands disposed of with the aforesaid observations.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

25.07.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No