

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision : 28.03.2023

(1)

CWP-12590-2022

Omparkash and another

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

(2)

CWP-6891-2022

Ramphal

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

(3)

CWP-6893-2022

Ram Kala and others

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

(4)

CWP-6971-2022

Ramphal and another

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

(5)

CWP-7086-2022

Ramphal and another

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

(6)

CWP-7100-2022

Ramphal and another

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

(7)

Ishwar Singh

VERSUS

State of Haryana and others

CWP-9572-2022

.....Petitioner

....Respondents

(8)

Manoj Kumar

VERSUS

State of Haryana and others

CWP-9575-2022

.....Petitioner

....Respondents

(9)

Yogesh Yadav and others

VERSUS

State of Haryana and others

CWP-9581-2022

.....Petitioners

....Respondents

(10)

Yogesh Yadav and others

VERSUS

State of Haryana and others

CWP-9590-2022

.....Petitioners

....Respondents

(11)

Omparkash

VERSUS

State of Haryana and others

CWP-12610-2022

.....Petitioner

....Respondents

(12)

Sube Singh

VERSUS

State of Haryana and others

CWP-12656-2022

.....Petitioner

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Ashish Gupta, Advocate
for the petitioners in all cases.

Mr. Ankur Mittal, Addl. A.G., Haryana
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, we propose to dispose of these twelve writ petitions as it is an admitted position that the issues in all these cases are identical, where the petitioners are oustees as their land was acquired and they have been found to be eligible for allotment of plots under Rehabilitation and Resettlement Policy as notified on 07.12.2007. Petitioners have also been allotted plot numbers on deposit of the initial 10% amount. Letters of Intent have also been issued to the petitioners but the Regular Letters of Allotment have not been issued to them so far.

In para 13 of the affidavit of the Additional General Manager, HSIIDC, dated 22.02.2023, which has been filed by the respondents, it has been stated as follows:-

“13. That it is respectfully submitted that it is suffice to mention that since basic infrastructure facilities are yet to be laid down, which fact was also stated in the earlier affidavit dated 16.05.2022, therefore, Regular Letter of Allotment at this stage are being given without offer of possession, as a consequence of which charging of interest on the installments shall be deferred till development of complete infrastructure. In case the allottees are in hurry to set up their dwelling units are not in a position to wait for completion of basic infrastructure facilities the allottee can request for taking physical possession of the site at any early

stage at his risk and cost. Based on this understanding the Estate Manager will allow physical possession of the plot. An an incentive, interest shall not be charged from such allottee on the outstanding amount ill such time the corporation formally offers the possession on completion of basic infrastructure facilities.”

Learned counsel for the respondents has also pointed out that in case the petitioners choose to take possession of the plot as of now, any default in payment of any installment will entail 15% interest thereon.

In the light of the above, it is open to the petitioners to now opt for any of the two contingencies as have been laid down and pointed out by the respondents. We do not want to duplicate directions with regard to the completion of the basic facilities at the site in the light of the undertaking given by the respondents which was recorded by this Court in the order dated 15.11.2021 passed in CWP No.9988 of 2021, titled as ‘Purshotam and others Vs. State of Haryana and others’.

These writ petitions stand disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

28.03.2023
Harish

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No