

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.114

CWP-13114-2023 (O&M)
Date of decision : 24.07.2023

Mamta Yadav

..... Petitioner

VERSUS

Haryana Shehri Vikas Pradhikaran and others

..... Respondents

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

Present: Mr. Rao Ajender Singh, Advocate, for the petitioner.

Mr. Deepak Sabharwal, Advocate, for respondent-HSVP

G.S. SANDHAWALIA, J. (Oral)

CM-11580-CWP-2023

Application is allowed as prayed for subject to all just exceptions.

Reply dated 29.11.2019 (Annexure P-8) is taken on record.

Office to attach the same at appropriate place.

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1. The petitioner prays for alternate plot in lieu of the original Plot No.580, measuring 06 marlas situated in Sector-11, Urban Estate, Bahadurgarh. The case of petitioner is that initially, the plot was allotted to one Smt. Shanti Devi on 02.12.2010 (Annexure P-1) and the permission was given to transfer the said plot to the petitioner on 08.03.2011 (Annexure P-2). The re-allotment letter was issued on 03.05.2011 (Annexure P-3) and the petitioner was also required to pay 06 easy instalments. It is the case of petitioner that as averred in paragraph No.5 that she paid the instalments in

the year 2016-17 and the entire amount stands deposited. On account of litigation, possession of the plot could not be given and mini draw was also held in view of the disputed plots in Sector-11, Bahadurgarh which should be clear by communication (Annexure P-5), where she was informed of the said fact by the Estate Officer, HSVP. Legal notice dated 19.04.2021 (Annexure P-6) has also been served upon the respondents and petitioner was also put to notice on 09.02.2022 (Annexure P-7), but possession could not be given due to litigation and she was asked to apply online.

2. Annexure P-8 has also been placed on record which is the action taken on CM window that on account of the fact 60 Nos. alternate plots were allotted, but 02 plots of 06 marlas category were not available and therefore, apparently the benefit could not be given to petitioner. From the said communication, it is also clear that the proposal for allotment of plot has been sent to the higher authority of HSVP as per HSVP rule/policy, the relevant part of the communication which is placed on record read as under:-

‘The matter relates regarding allotment of alternate plot in lieu of disputed plots for Sector-11, Bahadurgarh. The proposal for the same has been examined and considered by the Administrator, HSVP (H.Q.) Panchkula vide memo no. A-3-UB-2018/160654-59 dated 08.08.2018 and it has been decided that 20 plots may be allotted/adjusted in the same sector i.e. Sector-11, Bahadurgarh and remaining 173 disputed plots may be allotted/adjusted in adjoining sector i.e. Sector-10, Bahadurgarh. Further, the draw for allotment of alternate plot was held in this office on 26.09.2019 and out of 62 Nos. allottees in (6 Marla Category) 60 Nos. alternate plots were allotted. But due to non-availability of 2. Nos. plots (6 Marla

Category), an alternate plot could not be given to complainant/allottee of Plot No. 580, Sector-11 Bahadurgarh.

Now, the proposal for allotment of an alternate plot to complainant/allottee of Plat No. 580, Sector-11 Bahadurgarh will be sent to higher authority of HSVP (H.Q.) as per HSVP rules/policy accordingly.'

3. It is thus, apparent that petitioner's case is still under consideration and she has been denied the benefit only on account that there were only 60 alternate plots available against 62 applicants.

4. A perusal of the above communication would also go on to show apparently that there are other persons similarly situated who had been adjusted in adjoining sector i.e. Sector-10, Bahadurgarh and thus, in our opinion, there seems to be no plausible reason why the case of petitioner is also not to be considered as she is placed similarly to.

5. Notice of motion.

6. Mr. Deepak Sabharwal, Advocate, accepts notice on behalf of the respondents-HSVP.

7. Keeping in view the nature of the order being passed, no reply is necessary.

8. Resultantly, the writ petition is disposed off with a direction to respondent No.1 to take a decision on the legal notice dated 19.04.2021 (Annexure P-6) within a period of eight weeks from the date of receipt of a certified copy of this order.

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9. In case, the petitioner is not entitled to the benefit as noticed above, a reasoned order be passed, which shall be communicated to the petitioner so that she can challenge the same in accordance with law.
10. The petition is accordingly, disposed of.

(G. S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

24.07.2023
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No