

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

113

2023:PHHC:106965-DB

CWP-17826-2023

Date of Decision: 18.08.2023

Anutosh

.....Petitioner(s)

Versus

State of Haryana and another

....Respondent(s)

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

Present: Ms. Monika Jangra, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

1. Prayer made in the present writ petition filed under Article 226 of the Constitution of India is for deciding the representation dated 20.06.2023 (Annexure P-4) moved by the petitioner and for grant of possession of flat as per the communication dated 23.01.2015 addressed to her by the Housing Board, Haryana (Annexure P-3).

2. A perusal of the above said communication would go on to show that there was an allotment of four storeyed flat done for Scheduled Caste/Backward Class families, Housing Board Colony, Type-A at Dadri against Regn. No.DDR-SCBC-A\UBI\26 (Final Registration No.75) in view of the fact that the draw of lots was held on 15.09.2014. The case of the petitioner is that she deposited 10% amount of Rs.1,69,000/- as the first installment. It is also further her claim that on 03.03.2015, the subsequent installment of 10% of the total amount had also been deposited. A perusal of the representation dated 20.06.2023 (Annexure P-4) would go on to show that several representations had been made to the respondents to hand over the flat

but no action has been taken by the authorities.

3. Mr. Deepak Sabherwal, Advocate, on account of having advance copies, accepts notice on behalf of HSVP and points out that the setting up of the said flats has been scrapped, however, refund has not been made in the case of the petitioner.

4. Keeping in view the above, we do on wish to call for the reply as it would only delay the proceedings.

5. Accordingly, the present writ petition is disposed of with directions to respondent No.2 to take a call upon the above said representation through the competent authority within 6 weeks, whether the possession of the flat is to be given or in the alternative, refund is to be ordered to be given to the petitioner since the flats are not available as the project has been scrapped, as suggested by the counsel. In case the amount is to be refunded, the Board shall also take into consideration the issue of interest which is to be awarded to the petitioner, as per policy.

(G.S. SANDHAWALIA)
JUDGE

18.08.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No