

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21084-2023 (O&M)

Date of decision: 14.12.2023

Preeti

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present: Mr. Ankit Chahal, Advocate,
for the petitioner.**

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction, calling for the record of the case and after perusal of the same:

(i) Issue a writ in the nature of certiorari for setting aside the wrong and illegal status of the plot no. 2008, Sector-23, Sonipat of the petitioner, shown as "Surrendered, Not Constructed and Default Payment of Rs.06,29,904/-" on the PPM portal of HSVP being illegal, arbitrary and against the facts.

(ii) Issue a writ in the nature of Mandamus directing the respondents to update the correct status of the House/Plot No. 2008, Sector-23, Sonipat of the petitioner on the online PPM portal of HSVP to be as allotted, constructed and Default Payment Nil, which has been illegally, wrongly and against the facts shown as "Surrendered, Not Constructed and Default Payment of Rs.06,29,904/-", which is arbitrary, perverse, illegal, unjust, against the facts, unfair, against the principles of natural justice and bad in the eyes of law;

(iii) Issue a writ in the nature of Mandamus directing the respondents to waive of the amount of interest levied upon

the petitioner against the Enhancement Amount from the date of first application moved by the petitioner i.e. 08.04.2021 for correction of the online status on PPM portal as the petitioner has not at any fault and not deliberately delayed the same and the delay in the payment of enhancement amount has been occurred due to the impugned action of HSVP whereby the status of said plot has wrongly shown as "Surrendered", due to which petitioner is unable to deposit the Enhancement Amount through PPM portal, which is the only recommended option for payment.

(iv) Issue a writ in the nature of Mandamus directing the respondents to pay the compensation of Rupees 10 Lakhs (Ten Lakhs) to the petitioner for causing the undue harassment, mental torture and agony to the petitioner by the respondent no. 4 to 6 and their employees.”

Learned counsel for the petitioner submits that originally, the site/plot in question was allotted to one Jagdish Narang. And, vide sale deed dated 1.09.2010 (P-2), he sold the said site in favour of the petitioner, for a consideration of Rs. 18,50,000/-. For all the necessary approvals/sanctions were obtained from the competent authority, a re-allotment letter dated 06.10.2010 (P-3), was issued by the Estate Officer, HUDA (Sonapat), in favour of the petitioner. However, the limited grievance that petitioner has is: the site in question is still being shown as “surrendered” on the web portal of the HSVP. Hence this petition.

On the contrary, the stand set out on behalf of respondents No. 3 to 6 is that since post payment of 25% of the consideration, the allottee (Jagdish Narang) failed to pay the balance 75%, as per the letter of allotment, notices under Sections 17(2), 17(3) and 17(4) of the Haryana Shehri Vikas Pradhikaran Act, 1977, were issued to him. However, vide letter dated 06.02.1997, he requested to surrender the plot and sought refund of the amount deposited by him, along with interest. Subsequently, he filed a complaint before the District Consumer Disputes Redressal Forum, Panchkula. And, vide order dated 19.04.2001, the Forum directed the authorities to refund the amount deposited by the allottee, along with interest @ 12 per annum. Aggrieved by the said

order, the authorities had preferred an appeal, which was dismissed by the State Consumer Disputes Redressal Commission, Haryana, vide order dated 30.10.2001, and likewise, even the revision preferred against the said order was dismissed by the National Consumer Disputes Redressal Commission. Although, an application was moved for review/clarification of the said order, but its status is unknown to date. However, despite this, the Estate Officer, HSVP (Sonipat), rather than implementing the order passed by the Forum, accepted the balance payment from the allottee and issued the possession certificate on 29.01.2009. So much so, even the conveyance deed was executed on 31.08.2010. Whereafter, the site was transferred in the name of the petitioner and even a letter of re-allotment was issued on 06.10.2010. In this backdrop, the Chief Administrator, HSVP, Panchkula, vide communication dated 06.07.2022, had directed the competent authority to conduct an enquiry and to lodge an FIR, and send the action taken report.

Upon being pointedly asked, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, expresses his inability to inform the Court, as to what is the status of the enquiry that was to be conducted and if any FIR, as directed by the Chief Administrator, was lodged. However, he submits that, in the given circumstances, it shall be expedient if the petition is disposed of, to enable the Chief Administrator, HSVP, to take cognizance of the matter forthwith, and pass appropriate orders, in accordance with law. He further submits that before any such orders are passed, the petitioner shall be afforded a hearing.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondent-HSVP, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that a considerable time has elapsed and petitioner, being a bonafide purchaser for consideration, her interest is severely impacted owing to an inaction of the authorities. Thus, they be directed to take a final decision within a specified time.

In response, learned counsel for the respondent-HSVP submits that the appropriate orders shall be passed within a period of eight weeks from today.

Accordingly, without any prejudice to the rights and interest of the parties and their respective pleadings before this Court, the petition is disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondents.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

14.12.2023
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No