

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(116)

CWP-22638-2023
Decided on : 09.10.2023

Anil Kumar Raizada

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

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

Present: Mr.Ravi Kamal Gupta, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

1. Prayer in the present writ petition, filed under Article 226 of the Constitution of India is for refund of the amount deposited in pursuance of the plot measuring 626.62 sq.meters which had been allotted bearing No.866 in Sector 24, Urban Estate, Panipat for Rs.3,81,57,400/- (Annexure P-2). The claim is based on the fact that possession has been handed over of a lesser area which is 522.25 sq.meters and therefore, the petitioner had paid the excess amount for an area of 69.04 sq.meters.

2. It is the case of the petitioner that he has filed a representation dated 06.04.2023 (Annexure P-5) regarding his grouse since he discovered that possession certificate dated 22.02.2023 (Annexure P-3) did not give correct area at the spot.

3. Notice of motion.

4. Mr.Pankaj Kundra, Advocate, for Mr.Deepak Sabherwal,

Advocate accepts notice on behalf of respondents No.2 & 3.

5. Keeping in view the limited relief sought we are not inclined to call the respondents to file reply as it would only delay the decision making process.
6. Accordingly, we dispose of the present writ petition with direction to respondents No.2 & 3 to decide the said issue firstly whether the possession at the site is less than what was mentioned in the allotment letter. In case the area available is less as averred in the petition, the benefit of the amount on account of reduction of the area of the plot be refunded to the petitioner along with interest from the date the amount was deposited, as per the prevailing policy. In case there is any legal impediment and it is found otherwise, it is open to the respondents to pass a speaking order. Needful be done within a period of 2 months from the date of receipt of certified copy of this order.
7. With the above-said directions, the present writ petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

09.10.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No