

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27669-2023

Date of decision: 11.12.2023

Tamanna Babbar

....Petitioner

Versus

Haryana Shehari Vikas Paradhikaran and others

....Respondents

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

**Present: Mr. Gaurav Bakshi, 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 issuance of a writ in the nature of mandamus directing the respondent No.3 to issue the possession certificate as well as physical possession of plot no NH-4 sectro-24-25A, Urban Estate, Gurugram-II to the petitioner forthwith as petition had applied for the same to the office of respondent no 3 vide online mode on dated 3/11/2023 but the same has been rejected by the office of respondent no 3 vide dated 8/11/2023 on account of reason given as (plan of sector changed).*”**

And/Or

Issue a writ in the nature of Prohibition restraining the respondents from auctioning the residential plots in sector 24-25A Gurugram which site/land has already been earmarked for institutional property i.e. (Hospital and School sites) in the official layout plan of sector24-25-A, Gurguram-II.”

Learned counsel for the petitioner submits that petitioner participated in the e-auction conducted by the respondent authorities, and submitted the highest bid for Rs.2,45,10,000/-, against the reserve price of Rs.2,24,70,000/-. Upon being adjudged H1, she was issued the Letter of Intent on January 24, 2023. She was even issued the letter of allotment on April 21, 2023. Concededly, petitioner had already deposited 25% of the consideration (Rs.36,76,500/-), with the respondent authorities on February 8, 2023. And thus, was ready/willing to abide by the terms of the auction and deposit the balance 75%. However, vide communication dated November 08, 2023, the respondent authorities expressed their inability to deliver the possession, as the planning at site had been changed. Further, possession of the site could be delivered only after verification of dimensions of the demarcation plan. Accordingly, he submits that neither the petitioner has been delivered possession, nor the representation dated November 20, 2023 (P-7), the competent authority has been served with, evoked any response.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. He, at the outset, submits that since the competent authority (Chief Administrator, HSVP, Panchkula) is already in seisin of the representation submitted by the petitioner (*ibid*), let this petition be disposed of, at this stage, to enable it to deal with the concerns/grievances of the petitioner, as sought to be raised in this petition. And pass appropriate orders, in accordance with law, within a period of two weeks from today. He further submits that if necessary, the petitioner, as also the other stakeholders, shall also be afforded a hearing, before any such orders are passed.

Learned counsel for the petitioner is in agreement with 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.

The petition is accordingly 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

11.12.2023
Ak Sharma

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