

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-368-2024
Date of decision: 10.01.2024

Puneet Verma and anotherPetitioner

Versus

State of Punjab and othersRespondents

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

Present: Mr. S.S. Rangi, Advocate,
Mr. Khushkaran K. Goyal, Advocate,
Ms. Sukhan Rangi, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners pray for a Mandamus commanding the Estate Officer, Greater Mohali Area Development Authority (GMADA)-respondent No.3 not to cancel the allotment of plot No.1261, Block-B, Sector 82 (Alpha) in IT City Scheme, Sahibzada Ajit Singh Nagar, on account of non-payment of the final installment.

Learned counsel for the petitioners submits that in a draw held by respondent No.3, the site in question was initially allotted to one Rakesh Krishan Tuli. After the necessary approvals/sanctions were obtained by the original allottee, the said site was re-allotted to the petitioners, vide re-allotment letter dated 16.01.2019 (P-2). Further, he submits that out of three installments, the petitioners had already paid two, on 22.03.2019 and 29.08.2019, and thus deposited an amount of Rs.1,18,97,096/-, apart from the amount that had already been deposited

by the original allottee. It is submitted that petitioner No.1 was transferred to Jakarta and owing to an unprecedented calamity (COVID-19), he could not deposit the final installment in time. However, now when he approached the competent authority to deposit the third installment, it declined to accept the same, and rather, the petitioners were threatened with cancellation of the site. It is urged that the petitioners had even served respondent No.3 with a representation dated 28.12.2023 (P-6), in this regard, but to no avail.

Served with the advance copy of the petition, Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, is present in Court. At the outset, he submits that as the competent authority is already in seisin of the concerns/grievances of the petitioners, it would rather be expedient, if the petition at hand is disposed of, at this stage, to enable it to deal therewith, and pass necessary orders on the representation submitted by the petitioners, in accordance with law. Further, he submits that before any such orders are passed, the petitioners, if so required, shall also be afforded a hearing.

Learned counsel for the petitioners is in agreement with the course suggested by the learned State counsel, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the competent authority be directed to do the needful within a specified time.

In response, learned State counsel submits that the appropriate orders shall be passed within a period of six weeks from today.

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 State counsel.

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

10.01.2024
Ak Sharma

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