

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-662-2024
Date of decision: 12.01.2024

Sunil and othersPetitioners

Versus

State of Haryana and othersRespondents

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

Present: Mr. Rajnish K. Gupta, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners pray for a Mandamus commanding respondent No.3 (Housing Board, Haryana), to refund the earnest money of Rs.10,000/-, along with interest, in terms of the Policy dated 17.05.2018 (P-1), as also the order dated 30.09.2022 (P-8), passed by this Court in **CWP-330-2021 (Sanjay and others Vs. State of Haryana and others).**

Learned counsel for the petitioners submits that in terms of the policy (*ibid*), for allotment of plots/flats to persons belonging to the Economically Weaker Sections and Below Poverty Line in the licensed colonies of private builders, applications were invited for 1488 flats in licensed colonies of Gurugram, Faridabad, Rohtak and Sonapat in two phases (first phase: from 01.12.2019 to 31.12.2019 and second phase: from 31.01.2020 to 29.02.2020). He submits that the petitioners, along with 94 other applicants, had applied for flats under the aforesaid policy, and deposited a registration fee of Rs.10,000/- under BPL Category.

However, the draw of lots conducted by the Board on 06.03.2020, owing

to certain anomalies, was cancelled on 27.05.2020. And a public notice dated 30.06.2020 (P-4), was issued to refund the application fee. Further, he submits that some of the petitioners herein were successful in the draw, whereas, others remained unsuccessful. Be that as it may, he submits that once the authorities, pursuant to a conscious decision, had cancelled the draw, as back as in May, 2020, there is hardly any explanation, least plausible, to still retain the amount deposited by the petitioners, particularly when they belong to the lowest strata of the society.

In reference to the order passed by this Court on 30.09.2022 (*ibid*), he submits that in identical situation/circumstances, this Court had directed the authorities to refund the amount deposited by the petitioners therein, along with interest. Particularly, when clause 2.6 and 2.7 of the Policy, postulates refund of payment, along with interest. It is urged that prior to the institution of this petition, the respondent authorities were even served with repeated representations dated 03.07.2020 (P-6) and 26.07.2023 (P-10), but that too have failed to evoke any response. Thus, he submits that inaction/insensitivity at the behest of the respondent authorities, is writ large on the face on the record.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-Housing Board, Haryana, is present in Court. At the outset, he submits that the competent authority shall take cognizance of the concerns/grievances of the petitioners forthwith, and pass necessary orders, in accordance with law, within a period of one week from today.

That being so, learned counsel for the petitioners submits that nothing substantive survives in this petition and the same be

disposed of, in terms of the statement made by learned counsel for the respondent.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

However, in case the matter is not taken cognizance of by the competent authority and the necessary orders, as indicated above, are not passed, the petitioners shall be at liberty to move a necessary application in this petition itself, for its restoration and appropriate orders.

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

12.01.2024
Ak Sharma

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