

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2835-2024

Date of decision: 08.02.2024

Mulakh Raj Chawla and othersPetitioners

Versus

Haryana Shehri Vikas Pradhikaran and othersRespondents

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

Present: Mr. Vikas Chatrath, Advocate,
Mr. Sachit Katoch, Advocate,
Mr. Abhishek Singla, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

A Mandamus is prayed for, to command the respondents to deliver actual physical possession of the plots/sites that were allotted to the petitioners.

Learned counsel for the petitioners submits that pursuant to the allotments, most of the petitioners have since deposited the entire sale consideration. So much so, few of them have even deposited the additional price, owing to enhancement in the cost of acquisition. And, in terms of Clause 7 of the letter of allotment dated 21.05.2012 (P-1), the respondents were obliged to deliver possession within three years from the date of allotment, after completion of development works. However, even though, over a decade has gone by, but the petitioners are yet to be delivered possession. Rather, in the given situation, the respondents are also liable to pay interest on the amount deposited by them, post expiry of three years of the issuance of the letter of allotment, till the delivery of possession.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. He

submits that physical possession of the allotted sites could not be delivered to the petitioners, owing to the acquisition proceedings, being under challenge before this Court in CWP-7064-2008 (Rajbir Singh Vs. State of Haryana and others), which was dismissed on 21.09.2023. And the Special Leave to Appeal (C) No(s). 25243/2023, preferred against the said order and judgment, has also been dismissed by the Supreme Court on 01.12.2023. Resultantly, the authorities have now taken a conscious decision to complete all the development works at site. Whereafter, possession of the plots/sites would be handed over to the petitioners/allottees, at the earliest, provided the pending dues, if any, are cleared. It is urged that as regards interest on the amount that was deposited by the petitioners, they would be entitled thereto, as per the applicable policy dated 30.5.2022.

Accordingly, learned counsel for the petitioners submits that nothing substantive survives in the petition and the same be disposed of, in terms of the statement made by learned counsel for the respondents.

In the wake of the above, the petition is disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the competent authority, as submitted by learned counsel for the respondents, shall make every possible endeavour to complete the process, and once the sites are viable for allotment, actual physical possession thereof would be delivered without any further delay.

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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

08.02.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No