

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7737-2024

Date of decision: 15.04.2024

Annu and another

....Petitioners

Versus

State of Haryana and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Rohit Joshi, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

Learned counsel for the petitioners submits that the petitioners participated in the e-auction conducted by Haryana Shehri Vikas Pradhikaran (HSVP) on 01.03.2023, for allotment of a residential plot/site in Sector 38, Urban Estate, Gurgaon-II, on free hold basis. For they submitted a bid of Rs.2,41,32,500/-, as regards plot No.325-P, measuring 135 square meters, they were adjudged H1. Accordingly, a letter of intent dated 07.06.2023 (P-1) was issued in their favour. Further, he submits that though the entire sale consideration/premium of the allotted site had since been deposited, but the application moved by the petitioners for issuance of possession certificate was rejected, on 26.02.2024 (P-9). He asserts that per the previous site plan (P-4), plot No.325-P was the corner plot, but surprisingly, in the new site plan (P-5), the plot allotted to the petitioners is not even reflected/shown. So much so, the authorities have even changed the plot numbers that were put to auction. It is submitted that the communication/screen shot (P-9), [page 41 of the paper book], vide which, request of the petitioners for issuance of possession certificate was declined, is bereft of any reasons. And despite having remitted the entire sale consideration/premium and issuance of the letter of allotment dated 15.11.2023 (P-3), the petitioners have not yet been put in actual physical possession of the allotted site.

Therefore, he submits that apparently, the manner and approach, with

which the claim of the petitioners has been dealt by the respondent authorities, is highly insensitive and arbitrary. Not just that, any alteration, post auction, when the rights and obligations of the parties have come into being, is apparently illegal. And, in fact, the same is being resorted to, for extraneous considerations to serve an oblique purpose. It is urged that prior to the institution of this petition, the petitioners had even served the respondent authorities, with applications/representations dated 21.11.2023 (P-6) and 22.02.2024 (P-7), as also the legal notice dated 26.02.2024 (P-10), but to no avail.

Served with the advance copy of the petition, Mr. Pankaj Kundra, Advocate, appearing for Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. At the outset, he submits, for the matter is under active consideration of the Chief Administrator, HSVP, Panchkula, it would be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to consider the concerns/grievances of the petitioners, as sought to be raised in the petition. And pass necessary orders on their representations/legal notice (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioners shall be heard. And a formal communication, in this regard, shall be issued.

Learned counsel for the petitioners is in agreement with the course suggested by learned counsel for the respondent-HSVP, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the matter being time sensitive, the authorities be directed to take a final decision in the matter, within a specified time.

In response, learned counsel for the respondent-HSVP submits that appropriate orders shall be passed within a period of two weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

This Court is sanguine that the authorities shall re-examine the matter in the right earnest. And the appropriate orders, assigning reasons in support thereof, shall be passed within the time indicated by learned counsel for the respondent-HSVP.

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

(GURBIR SINGH)
JUDGE

15.04.2024
Ak Sharma

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