



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

CWP No.10882 of 2024 (O&M)

Date of Decision :10.05.2024

Gurdev Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

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

**Present: Mr. Rajiv Malhotra, Advocate,
for the petitioner.**

Mr. Vipin Pal Yadav, Addl.A.G. Punjab.

ARUN PALLI, J. (Oral):

A Mandamus is prayed for, commanding the respondents to refund an amount of Rs.22,92,250/-, with 15% interest that was illegally charged by the respondent authorities.

Learned counsel for the petitioner submits that vide letter of allotment dated 31.07.2020 (P-1), a site/plot No.1053/corner, Sector-82 Alpha, Block-B, measuring 507.5 square yards, under Land Pooling Scheme in IT City, Sahibzada Ajit Singh Nagar, was allotted to Smt. Surinder Kaur. And prior thereto, even a conveyance deed dated 29.07.2020 (P-2) was executed between the parties. Whereafter, vide sale deed dated 09.10.2020 (P-4), the said site was sold by the original allottee, through General Power of Attorney (Sukhwinder Singh), to the petitioner for a valuable consideration. Accordingly, vide communication dated 16.11.2020 (P-5), the plot/site was even transferred by the respondent authorities in his name. Further, he submits that the limited grievance that the petitioner has is: three years later when he



approached the respondent authorities for issuance of a construction/completion certificate, vide communication dated 26.12.2023 (P-9), they raised a further demand of Rs.22,92,250/- on account of the site being a corner plot, construction/extension fee and cancer cess. He asserts that to avert any complication, the petitioner deposited the said amount on 03.01.2024. But under protest. Therefore, he submits that the impugned demand notice dated 26.12.2023 (P-9) is apparently erroneous, for the petitioner was never required to deposit the said amount when the site was already transferred in his name. And even thereafter, until he approached the respondent authorities for issuance of a completion certificate, no such demand was raised. It is urged that even the representations dated 11.01.2024 (P-13) and 22.02.2024 (P-14), the authorities were served with, have not even been responded to.

Served with the advance copy of the petition Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, is present in Court on behalf of the respondents. At the outset, he submits that as the competent authority is already in seisin of the concerns/grievances of the petitioner, it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on his representations (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall be heard. And a formal communication, in this regard, shall also be issued to him, well in advance.

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

In response, learned State counsel submits that appropriate orders shall be passed within a period of four 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 competent authority would consider the claim of the petitioner in the right earnest. And the appropriate orders, assigning reasons in support thereof, shall be passed within the time indicated by learned State counsel.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

10.05.2024
Manoj Bhutani

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