

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 8336 of 2024

Date of decision: 16.04.2024

Jitender Oberoi

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Jitender Nara, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Jitender Oberoi), being successful in draw of lots conducted by the respondent authorities, on 21.10.2010, was allotted a residential plot No. 755 (10 Marla), Sector-11, Urban Estate Bahadurgarh, on free hold basis. Concededly, the tentative price/consideration of the allotted site, i.e. Rs.14,81,099/-, was remitted well in time. Resultantly, the petitioner was offered possession vide communication dated 12.07.2015 (P-5).

The positive case set out in the petition is that the petitioner has since deposited the entire premium/consideration, the outstanding dues of Rs.16,040.60 as also the extension fee of Rs.19,846/-, as demanded by the respondent authorities pursuant to the notices dated 11.8.2021 (P-9) under Section 17 of the Haryana Urban Development Authority Act, 1977 and 28.08.2021 (P-10). However, the limited grievance that the petitioner has is: even though nearly a decade and a half has gone by, but he has not been delivered actual physical possession of the allotted site. Rather, he was informed that since the site/plot in question, measuring 10 marla, comprised in Khasra No.5310/639/1, was not even acquired, the respondents were unable to deliver possession thereof. And that being so, the respondent authorities, vide letter/communication dated 09.02.2022 (P-11), not only expressed their inability to deliver possession of the allotted site, but also suggested the petitioner to move the competent authority, in terms of their

policy, for allotment of an alternate site, so that the necessary action could be taken in the matter. However, vide impugned order dated 24.07.2023 (P-13), the petitioner was conveyed that even his claim for an alternate site/plot cannot be entertained as per HSVP Policy dated 24.11.2022 (P-16). Therefore, he would be refunded the entire amount along simple interest.

Learned counsel for the petitioner submits that insensitivity and the approach with which the claim of the petitioner has been dealt with by the respondents is apparent on the face of the record. And, the negligence of the respondents speak for itself as even though the respondent authorities had no right, title or interest over the area comprised in plot No.755, Sector 11, Urban Estate, Bahadurgarh, the authorities conducted a draw and sold the said site/plot to the petitioner. Not just that, as indicated above, vide communication dated 09.02.2022 (*ibid*), the petitioner was rather advised to apply for an alternate site/plot and subsequently, even the application(s) moved in this regard have also been rejected. Further, though years have rolled by, even the amount deposited by the petitioner has not been refunded as yet.

Served with the advance copy of the petition, Mr. Arvind Seth, Advocate, is present in Court on behalf of respondents-HSVP. He, on instructions, submits that unfortunately, owing to a miscommunication and error, the petitioner was conveyed that the area of originally allotted site/plot (No.755, comprised in Khasra No.5310/639/1) was not even acquired by the respondent authorities. Whereas, after examining the necessary records, it has transpired that the said site had been duly acquired and was/is free from all encumbrances to be delivered possession of. Accordingly, he submits that the petitioner would be delivered actual physical possession of the originally allotted site (No.755, Sector 11, Urban Estate, Bahadurgarh) by 4:00 PM, today itself.

To this, learned counsel for the petitioner submits that he will connect with the respondent authorities in this regard forthwith and shall remain present at the site to carry out the necessary formalities. Further, he fairly submits that in case there is still any outstanding dues, that too shall be cleared after a formal communication in this regard is received from the respondent authorities.

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.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

16.04.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No