



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

**CWP-9623-2022(O&M)  
Date of decision: 02.08.2024**

Vijay Kumar Garg

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Padamkant Dwivedi, Advocate,  
for the petitioner.  
Mr. Deepak Bhardwaj, DAG, Haryana.  
Mr. Deepak Sabherwal, Advocate,  
for respondents No.2 & 3-HSVP.  
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**ARUN PALLI, J. (Oral)**

The petitioner (Vijay Kumar Garg) has prayed for the following substantive relief:

**“Civil Writ Petition under Article 226/227 of the  
Constitution of India, inter-alia, praying for the issuance  
of a writ, order or direction especially a writ in the  
nature of certiorari thereby quashing the impugned  
action of the respondents thereby rejecting the  
application for execution of conveyance deed for S.C.O.  
No.88, (5.73 M X 22.00 M) situated in shopping centre,  
Sector 1, Part-I, Shahbad Markanda, District  
Kurukshetra on the ground of alleged pendency of  
RERA Appeal No.68-2020 as reflected from Web  
download dated 25.04.2022, Annexure P-15, which has  
no concern whatsoever with the allotment of plot in**



**question and also in view of the fact that no dues are pending against the plot in question;**

**AND**

**Further for the issuance of a writ in the nature of mandamus thereby directing the respondents to get the conveyance deed of plot in question executed as the petition has already completed all formalities including purchase of stamp papers of Rs.7,17,500/-.”**

Learned counsel for the petitioner submits that petitioner upon participating in an auction conducted on January 15, 2015, was adjudged the highest bidder. Accordingly, vide letter of allotment dated March 9, 2015 (P-1), commercial site - SCO-88, Sector 1, Part-I, Urban Estate, Shahbad (Kurukshetra) was allotted in his favour. He submits that the entire sale consideration had since been deposited. Whereafter, he was delivered the actual physical possession of the allotted site. However, a dispute arose between the petitioner and his neighbour Narinder Kumar, who filed a civil suit No.106 of 2016 before the Additional Civil Judge (Sr. Divn.), Shahabad, Kurukshetra. And, since during the pendency of the said suit, the District Town Planner, Kurukshetra issued the revised plan, the suit was dismissed as withdrawn on September 9, 2017. It is submitted that since there were still certain issues as regards possession and demarcation of the subject site, the petitioner was constrained to approach Real Estate Regulatory Authority (RERA) vide complaint No.36 of 2018. But, vide order dated July 2, 2018, passed by RERA, the grievances of the petitioner were substantially redressed, the matter was accordingly disposed of:



**“...The Authority is of the considered opinion that the complainant due to inaction on the part of respondent is delivering him fresh demarcation on the basis of revised zoning plan, was precluded from raising construction within the prescribed period allowed to him at the time of sanctioning of plan. So, the period which had since already lapsed before the date of which fresh possession and demarcation was given to the complainant as per the revises zoning plan deserved to be extended. Faced in such a situation, Shri Yogesh Ranga, Estate Office, HUDA undertake to extend the validity without charging any extension fee by another two years from the date of demarcation given on the basis of revised zoning plan. So, the present complaint becomes infructuous as regards complainant’s grievance for possession and demarcation. The grievance of the complaint relating to payment of compensation for harassment caused to him is maintainable only before the civil court or adjudicating officer. The complaint is, therefore, dismissed leaving the complainant at liberty to file claim for compensation separately before the competent authority. File be consigned to records.”**

However, as observed by RERA, with regard to compensation for harassment caused to the petitioner, he moved an application No.673 of 2018 before Adjudicating Officer. And, accordingly, vide order dated December 13, 2018, the said complaint was allowed and the respondents were directed to pay compensation to the petitioner:

**“... Consequently, the complainant is allowed and the respondent is directed to pay compensation to the**



**complainant equivalent to amount of interest payable on amount of sale consideration i.e. Rs.1,02,50,000/- from 29.04.2015 to 21.06.2018 at the rate prescribed in Rule 15 of HRERA Rules, 2017. The respondent shall pay the amount so awarded within 45 days from the uploading of this order.”**

Aggrieved by the said order, the respondent-authorities assailed the same in appeal **No.1318 of 2019**, before the Haryana Real Estate Appellate Tribunal (Tribunal). Which, however, was dismissed on February 12, 2020 (P-13). It is submitted that against the said order, the appeal No.68 of 2020 (**Haryana Urban Development Authority v. Vijay Kumar**), filed by the respondents, is pending before this Court and is posted for October 14, 2024.

Learned counsel for the petitioner submits that there is no dispute regarding title/ownership of the petitioner qua the subject property. And, concededly, he has remitted the entire sale consideration/premium to the respondents. But, despite that, he asserts, the respondent-authorities have declined to execute the conveyance deed qua the subject property, because the appeal against the order dated February 12, 2020 (**ibid**) is pending. Thus, he asserts that reason that is being assigned to justify the non-execution of conveyance deed is apparently erroneous and unsustainable. So much so, he asserts that petitioner had even purchased the stamp papers valuing Rs.7,17,500/-, which were submitted before the respondents on April 12, 2022, but to no avail.



Faced with this, learned counsel for respondents No.2 & 3-HSVP fairly submits that *prima facie* the order that is being assailed as also the reason(s) assigned in support thereof are indefensible. Therefore, he submits that the orders/noting as depicted on the PPM portal qua the subject property be deemed to have been withdrawn/re-called. For, the authorities shall re-examine the matter in right earnest and pass appropriate orders afresh after affording an opportunity of hearing to the petitioner. And a formal communication in this regard will be issued well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents No.2 & 3-HSVP and submits let the petition be disposed of in terms of his statement. However, he submits, for a considerable time has elapsed, the authorities be directed to take a decision at the earliest.

To which, learned counsel for the respondents No.2 & 3-HSVP submits that necessary 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 stands disposed of. This Court is sanguine that the respondent-authorities shall consider the matter in the right earnest, and pass the appropriate orders in accordance with law.

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

02.08.2024  
Rajan

Whether speaking / reasoned:  
Whether Reportable:

YES/NO  
YES/NO