

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 8412 of 2024

Date of decision: 18.04.2024

Pritam Lal Gangwani

.... Petitioner

Vs.

Haryana Shahari Vikas Pradhikaran and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Namit Gautam, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

A mandamus is prayed for to command the respondent authorities to pay interest to the petitioner @ 9%, on the amount deposited by him qua the residential plot No.208, measuring 8 marla, Sector 77, Urban Estate, Faridabad.

Learned counsel for the petitioner submits that the petitioner, vide letter of allotment dated 12.08.2016, was allotted the site in question for a consideration of Rs.40,52,700/-. He submits that the entire sale consideration/premium has since been remitted to the respondent authorities. So much so, even the additional price, owing to enhancement in the cost of acquisition, has been deposited by the petitioner. But, despite that he has not been delivered actual physical possession thereof. Therefore, in reference to clause 7 of the letter of allotment, he submits that the authorities are obliged to deliver possession within three years from the date of allotment, upon completion of the development works. But, as apparently the respondents have failed to carry out their obligations, the petitioner is entitled to requisite interest and also refund of Rs.10,00,350/- with 15% interest, which he had

deposited as additional price owing to enhancement of cost of acquisition, as directed by the respondent authorities vide letter dated 11.06.2017. It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities with the representations dated 05.11.2019 (P-7), 25.06.2020 (P-8) as also 11.09.2023 (P-10), but to no avail.

Served with advance copy of the petition, Mr. Ankur Mittal, Advocate with Ms. Kushaldeep Kaur, Advocate, is present in Court on behalf of the respondents. At the outset, he submits that since the competent authority is already in seisin of the concerns/grievances that are sought to be raised by the petitioner in this petition, let this petition be disposed of to enable the competent authority to deal with the claim of the petitioner and pass necessary orders in accordance with law. Further, he submits that before any such orders are passed, the petitioner would be afforded an opportunity of hearing. And a formal communication in this regard will be served upon him, well in advance.

Learned counsel for petitioner is agreeable to the course suggested by the learned counsel for the respondents and submits that let this petition be disposed of in view of the statement made by him. However, he submits that as a considerable time has already elapsed, it would be in the fitness of things, if the authorities are directed to consider and finally decide the matter, within a specified time.

To this, learned counsel for the respondents submits that necessary orders in this regard would be passed within two weeks from today.

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

This Court is sanguine that the authorities shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.04.2024
deepak

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