

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8996-2024(O&M)
Date of decision: 22.04.2024

Rakhi Agencies Ltd. and another
... Petitioners
Versus
HSI IDC and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. ADS Sukhija, Advocate,
for the petitioners.
Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:

“Civil Writ Petition under article 226 of the Constitution of India for issuance of a Writ in the nature of Certiorari for quashing the impugned letter dated 21.12.2023 HSI IDC/RAI/ESTATE- 23:951 (Annexure P-11) issued by respondent no. 3 wherein the petitioners have been asked to clear the dues of the original allottee. M/s APV Infotech Private Limited, as first charge on plot no. TP-4, measuring 16011.60 sq. mtrs. situated in sector 38, Phase 1, HSI IDC Industrial Estate Ral, Sonapat, Haryana-131001, under clause 12.11 of EMP-2015, as patently illegal and against the established principles of law.

AND

Issuance of a Writ in the nature of Mandamus directing the official respondents to amend/mutate its records and enter the names of petitioner no. 1 & 2 in the ratio of

55:45 respectively, as the rightful owners of plot no. TP-4, measuring 16011.60 sq. mtrs, situated in sector 38, Phase 1, HSIIDC Industrial Estate Rai, Sonapat, Haryana-131001.

AND

Issuance of a Writ in the nature of Mandamus directing the official respondents to bifurcate the plot no. TP-4, measuring 16011.60 sq. mtrs, situated in sector 38, Phase 1, HSIIDC Industrial Estate Rai, Sonapat, Haryana-131001 in the ratio of 55:45 respectively, in favour of petitioner no.1 & 2 in accordance with chapter-11 of EMP-2015.”

At the outset, learned counsel for the petitioners submits that prior to the institution of this petition, the petitioners had even served the respondent-authority with a representation dated 08.03.2024 (P-19). However, even though a considerable time has elapsed, the matter has not made any tangible progress. Thus, interest of the petitioners continues to suffer.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate is present in Court on behalf of the respondents. He submits that since the respondent-authority is already in *seisin* of the representation (*ibid*) alleged to have been submitted by the petitioners, it shall be expedient if this petition is disposed of, at this stage, to enable the competent authority to consider the concerns/grievances of the petitioners. And pass appropriate orders, in accordance with law. He submits that before any such orders are passed, the petitioners shall be heard, for which a formal communication will be issued well in advance. He further submits that the petitioners shall also be

at liberty to furnish any fresh material to support/substantiate their claim, provided it is furnished within three (03) days from today.

Learned counsel for the petitioners is agreeable to the course suggested by learned counsel for the respondents. And submits, let this petition be disposed of in terms of his statement. However, he submits that as the matter is pending for a considerable time, the competent authority be directed to take a decision within a specified time.

To which, learned counsel for the respondents submits that the necessary orders, after affording an opportunity of hearing to the petitioners, 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 stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

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

(Vikram Aggarwal)
Judge

22.04.2024
Rajan