

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9330-2024
Date of decision: 03.05.2024

Shelly GuptaPetitioner
Versus
State of Haryana and othersRespondents

2) CWP-10108-2024

Ankit KumarPetitioner
Versus
State of Haryana and othersRespondents

3) CWP-10128-2024

Kaushal JainPetitioner
Versus
State of Haryana and othersRespondents

4) CWP-10144-2024

Poras Kumar JainPetitioner
Versus
State of Haryana and othersRespondents

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

Present: Mr. Amit Kumar Jain, Advocate,
for the petitioners.

Mr. Deepak Sabherwal, Advocate,
for the respondent-HSVP.

ARUN PALLI, J. (Oral)

For, learned counsel for the parties are *ad idem* that the matter in issue in this bunch of four petitions is identical, these are being disposed of by a common order and judgment. However, the facts are being derived from CWP No.9330-2024.

On 25.04.2024, this Court had passed the following order:-

“Learned counsel for the petitioner submits that a residential site/plot No.925, Sector-8, Urban Estate, Jind, was allotted to one Sudesh Kumari, vide letter of allotment dated 01.01.2009 (P-1). It is not in dispute either that petitioner purchased the said site for a valuable consideration, after obtaining necessary sanctions/approvals from the respondent authorities, and thus, is a bonafide purchaser. Whereupon, she was issued a re-allotment letter dated 09.04.2009 (P-2). And, vide communication dated 27.11.2010 (P-4), she was offered possession. He submits that thereafter, the petitioner had even remitted an amount of Rs.28,334/-, towards the additional price, owing to enhancement in the cost of acquisition, on 02.12.2011, and Rs.1,96,286/- on 07.09.2017. He submits that the limited grievance that the petitioner has is: even though a decade and a half has gone by, but she has not been delivered actual physical possession of the allotted site. He submits that despite having paid the entire consideration and satisfied all the demands, that were raised by the authorities from time to time, the authorities have not even cared to inform the petitioner, as to for what reasons, she has not been delivered possession of the site. Further, even the repeated representations, dated 23.12.2012 (P-8), 24.06.2013 (P-9) and 14.12.2020 (P-10), the respondent authorities have been served with, have failed to evoke any response. Thus, the insensitivity, with which the claim of the petitioner has been dealt, is apparent.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP is present in Court. He, on instructions, submits that, in fact, the area upon which the allotted site was carved out and numbered was not even acquired by the authorities, and therefore, they had no right/title/interest therein. He submits that the claim of the petitioner even for allotment of an alternate site cannot be considered either. For, in terms of the policy in vogue, a subsequent purchaser is not entitled to allotment of an alternate site. But, he submits, the said policy is being reviewed by the competent authority. And, a formal decision in this

regard is likely to be reached in the near future. However, he prays for a short accommodation to seek instructions from the Chief Administrator, HSVP, in this regard and/or submit response.

As prayed for, adjourned to 03.05.2024.”

Despite opportunity, no response has been submitted. However, Mr. Deepak Sabherwal, learned counsel for the respondent-HSVP, submits that necessary exercise, to ascertain if the area upon which the plot in question, along with several other plots, was carved out and auctioned, was even acquired by the respondent authorities, is being carried out. It is urged that the matter is under active consideration and a conclusive decision, in this regard, is likely to be reached in the immediate future. He submits that in the event, it is found that the allotted site was formally acquired and the respondents had a right, title and interest therein, the petitioner, after the necessary formalities are carried out, would be delivered actual physical possession. Else, the authorities would consider the claim of the petitioner for allotment of a suitable alternate site. It is submitted that even the policy that restricts allotment of an alternate site/plot only to the original allottee(s) is under review. So much so, the revised policy, which postulates allotment of alternate sites/plots even to the subsequent vendees, after approval by the Chief Administrator, HSVP, is now pending consideration before the Additional Chief Secretary, Town and Country Planning, Haryana. And in every likelihood, formal orders, in this regard, shall also be issued. Therefore, he submits that let these petitions be disposed of, at this stage, to enable the competent authority (Chief Administrator, HSVP) to address the concerns/grievances of the petitioners, and pass necessary orders, in accordance with law. It is urged that before any such orders are passed, the petitioners shall also be heard. And a formal communication in this regard shall be issued to them, well in advance.

Learned counsel for the petitioners is agreeable to the course suggested by learned counsel for the respondent-HSVP and submits that let these petitions be disposed of, in terms of the statement made by him. However, it is urged, for the petitioners, despite having remitted the entire premium/consideration, are being deprived of the actual physical

possession of the site(s) allotted as far back as in 2009, the respondents be directed to finally decide the matter, within a specified time.

In response, learned counsel for the respondent-HSVP assures the Court that appropriate orders shall be passed within a period of two weeks from today, positively.

In the wake of the above and in terms of the statements made by learned counsel for the parties, the petitions are accordingly disposed of.

Given the situation the petitioners are faced with, this Court is sanguine that the authorities shall look into the matter in the right earnest. And, a comprehensive order, assigning reasons in support thereof, shall be passed within the time indicated by the learned counsel for the respondent-HSVP.

However, in the event, the matter makes no tangible progress and the formal orders, as indicated above, are not passed within the time indicated earlier, the petitioners shall be at liberty to move appropriate application(s) in these petitions itself for restoration and decision on merits.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

03.05.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No