

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 10193 of 2024
Date of decision: 06.05.2024

Nirmal Saini Petitioner

Vs.

State of Haryana and others Respondents

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

Present: Mr. Kuldeep Khandelwal, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Article 226 of the Constitution of India for issuance of appropriate writ, order or direction, especially for issuance of a writ in the nature of Mandamus directing the respondents No.3 and 4, for updating the plot record of petitioner and handover the possession of the plot no.1900, Sector 64, Faridabad to the petitioner in the interest of justice, equity and fair play.

AND/OR

Further for issuance of a writ in the nature of Mandamus for directing the respondents to compensate the petitioner by way of paying him amount of Rs.20 lakhs for mental, physical and financial harassment of the petitioner and for failure to protect her fundamental rights, as the state is under obligation to protect the lives and property of the citizens.

AND/OR

Further issuance of a writ in the nature of Manamus for directing the respondent no.1 to take departmental and other legal action against the guilty officials on

account of whom inspite of passing 22 years, till date possession of the plot has not been handed over to the petitioner even after receiving all the installments.”

Learned counsel for the petitioner submits that vide letter of allotment dated 04.01.2001 (P-1), the petitioner was allotted a plot No.1900, Sector 64, Faridabad, measuring 161.46 square yards at a tentative price for Rs.2,71,100/-. He submits that per the terms of allotment, the petitioner deposited Rs.40,665/- vide draft dated 18.01.2001; Rs.20,000/- vide draft dated 24.06.2002; Rs.40,000/- vide draft dated 24.05.2005; Rs.40,000/- vide draft dated 06.07.2005; Rs.40,000/- vide draft dated 28.07.2005; Rs.25,000/- vide draft dated 02.09.2005; and Rs.40,000/- vide draft dated 19.12.2005. Therefore, he submits that the petitioner has not only remitted the entire sale consideration but has even satisfied the demands towards additional cost owing to enhancement in cost of acquisition, yet he has not been delivered actual physical possession of the allotted site. He submits that apparently over 2 decades have gone by since issuance of letter of allotment on 04.01.2001, but yet there is no solution in sight. Further, the authorities have not only failed to address the claim of the petitioner but have not even responded to the representation it has been served with.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, is present in Court on behalf of the respondents-HSVP. At the outset, he, on instructions, submits that the relevant file as regards the plot/site in question is not traceable in the Estate Office, Faridabad. So much so, even a DDR has been registered yesterday. He submits, as claimed by the petitioner, if the petitioner has remitted the entire sale consideration and particularly in the absence of any order of cancellation, there was hardly any justification to still deprive the petitioner of possession of the allotted site. He, therefore, submits that the petitioner may appear before the Estate Officer, Haryana Shehri Vikas Pradhikaran, Complex Sector 12, Faridabad (respondent No.4), on 08.05.2024 at 11.00 AM. along with original documents, whichever are available with him. Whereupon, the competent authority shall consider the claim of the

petitioner and pass appropriate orders in accordance with law, within a week thereafter.

Learned counsel for petitioner is agreeable to the course suggested by the learned counsel for the respondent-HSVP and submits that let this petition be disposed of in view of the statement made by him.

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

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned counsel for the respondents-HSVP, 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.

However, it is made clear that in case, the matter does not make any progress and no order is passed within the time indicated above, the petitioner shall be at liberty to move a miscellaneous application in this petition itself for appropriate orders.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

06.05.2024
deepak

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