



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15333-2024(O&M)
Date of decision: 08.07.2024

Manikant Sharma
... Petitioner
Versus
Haryana State Industrial and Infrastructure Corporation (HSIIDC)
... Respondent

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

Present: Mr. Akshay Goel, Advocate,
Mr. Paras Arora, Ms. Vishali Nahar, and
Mr. Dixit Garg, Advocates, for the petitioner.
Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur, Advocate, for the respondent.

ARUN PALLI, J. (Oral)

A mandamus is prayed for, commanding the respondent to refund
Rs.3,52,604/- deposited by the petitioner as earnest money for allotment of a
plot/site.

Learned counsel for the petitioner submits that petitioner had
applied for 14 marlas’ plot under the Oustees category on December 16, 2010.
And, as per the requirements, he had furnished a demand draft of Rs.3,52,604/-
(P-2) to the respondent-authority for consideration of his claim. However, he
submits, vide communication dated December 30, 2013 (P-3), the respondent-
Corporation conveyed the petitioner that since the acquired land on the date of
publication of notification under Section 4 of the Land Acquisition Act, 1894
was below 75%, in terms of Rehabilitation and Resettlement (R&R) Policy
dated December 7, 2007, he was ineligible for allotment of any such site/plot.

Accordingly, his claim was rejected. It is submitted the limited grievance that



the petitioner has is that even though more than a decade has gone by, but to date the authority has not refunded the amount the petitioner had deposited vide demand draft dated July 14, 2014 (P-2). Repeated representations the authorities were served with, have also failed to evoke any response. Even prior to the institution of this petition, the petitioner had represented to the authorities on March 18, 2024 (P-5), but that too remains unaddressed. Thus, this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate is present in Court on behalf of the respondent-Corporation. At the outset, he submits that once the petitioner was declared ineligible and his claim for allotment of the plot/site was rejected as back as on December 30, 2013, there was hardly any justification to withhold the amount he had deposited. Be that as it may, he submits for a considerable time has elapsed, the respondent-Corporation shall take cognizance of the concerns/grievances of the petitioner forthwith. And pass the necessary orders within a week from today. Further, he submits that before any such orders are passed, the petitioner or his representative may appear before the Estate Manager, HSIIDC, IMT, Faridabad on 16.07.2024 @ 11:00 AM.

That being so, learned counsel for the petitioner submits that let this petition be disposed of in terms of the statement made by learned counsel for the respondent.

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 authority 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

08.07.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO