



CWP-19545-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19545-2024Date of decision: 13.08.2024

Parvez Hasan

....Petitioner

Versus

Haryana Real Estate Regulatory Authority, Gurugram and others

....Respondents

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

Present: Mr. Gunjan Mehta, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:-

“Under Article 226 of the Constitution of India for issuance of a writ in the nature of Certiorari quashing the action of District Collector, Gurugram dated 26.04.2024 [confirmed vide letter dated 07.06.2024 (Annexure P-4)], whereby residential flat bearing No. G-1043 in the Group Housing Project ‘Capital Gateway’ at Sector-111, Gurugram has been put to auction and sold, without verifying the unsold inventory with the Respondent No.2, thereby divesting him of his property, without any reason, whatsoever, at his back and without his knowledge;

AND

Further a writ in the nature of certiorari may kindly be issued quashing the order dated 07.06.2024 (Annexure P-4), whereby the amount collected by the District Collector towards recovery has been deposited with RERA including the recovery from the auction of residential flat bearing to the petitioner

AND



Further a writ in the nature of certiorari may kindly be issued quashing and setting aside the order dated 01.08.2024 (Annexure P-5) issued by HRERA Gurugram, whereby the recovered amount is directed to be released to the allottees, by auctioning and selling the allotted residential flat of the petitioner at his back and without his knowledge.”

Learned counsel for the petitioner submits that in execution of the decree passed by the Real Estate Regulatory Authority, Gurugram, as also recovery certificate, besides the other flats/apartments, even Flat No. G-1043 in Group Housing Project, ‘Capital Gateway’ in Sector-111, Gurugram, qua which the petitioner had entered into an agreement with the promoter/developer and vide letter of allotment 28.11.2022 (P-2), the same stood allotted to the petitioner, has since been sold to private respondent No.5. Further, he submits that apparently, the respondent authorities failed to carry out the necessary exercise of preparing an inventory of the unsold flats/apartments and, thus, the flat allotted to the petitioner was attached and sold by way of auction to respondent No.5.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, along with Ms. Kushaldeep Kaur, Advocate, for respondent No.1, is present in Court. At the outset, he, on instructions, submits that in the given circumstances, it would be expedient if the petitioner moves an appropriate application before the Authority itself, as regards his concerns/grievances. Further, he submits that, in the event, any such application is moved within a week from today, the same shall be taken cognizance of by the Authority. And necessary orders, in accordance with law, shall be passed, as expeditiously as possible, after affording a hearing to the petitioner as also to the other stakeholder(s)

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondent-Authority, and submits that the petitioner, as indicated above, shall move the appropriate application within a week. Accordingly, it is urged that let the petition be disposed of, in terms of the statement made by him.

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

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed, at the earliest, as undertaken by learned counsel for the respondent-Authority

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

13.08.2024

Ak Sharma _____