



CWP-23625-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23625-2024Date of decision: 17.09.2024

Shyamo Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Niramal Sharma, Advocate, for
Mr. Ahkilesh Vyas, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (Shyamo Devi) has prayed for the following
substantive relief:

*“Civil Writ Petition under Article 226/227 of
the Constitution of India for issuance of a writ in the
nature of Mandamus directing the respondent no.2 to
refund the amount of Rs.57270/- which was deposited for
purchase of flat against which the petitioner cancelled her
plan to purchase the flat, as per the policy the same will be
refund but the same has not been released since 2019, in
the interest of justice.*

AND

*It is further prayed that issuance of a writ in
the nature of mandamus directing the respondent no.2 to
refund the amount of Rs. 57270/- alongwith delayed
interest, on the part of respondent no.2, in the interest of
justice.”*



Learned counsel for the petitioner submits that the petitioner had applied for allotment of an EWS flat under the Pradhan Mantri Awas Yojana (Scheme), and also deposited Rs.57,270/-, vide a demand draft dated 29.03.2019 (P-1). Accordingly, she was allotted a flat No.278/GF/9. However, owing to some financial constraints, she was impelled to surrender the flat and requested for refund. Further, he submits that as the authorities failed to refund the requisite amount, they were even served with a legal notice dated 02.07.2024 (P-3), which was responded to by the Board, vide a communication dated 18.07.2024 (P-4). With reference to the contents of the said communication, he asserts that the respondent-Board, being conscious of its obligation that the amount deposited by the petitioner was to be refunded forthwith, had informed that her claim had already been processed and sent to Chief Revenue Officer (PM), HBH, Panchkula, vide a communication dated 22.11.2021, and therefore, she was advised to make further correspondence with the said authority. A copy whereof is appended at page 16 of the paper book, which depicts that the Chief Revenue Officer (PM), Housing Board, Haryana, was furnished with all the necessary details and personal files of the applicants, who had applied for allotment of flats under the Scheme, and name of the petitioner is reflected at serial number 37. It is submitted that even from the communication dated 22.11.2021, a period of nearly three years has gone by, but the amount has not been refunded to date. It is urged that the insensitivity and administrative apathy, at the end of the respondent authorities, is writ large on the face on the record. Thus, the petitioner is not only entitled for refund but also for interest thereon, from the date of deposit till its realization.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-Board, is present in Court. At the outset, he concedes that in the given circumstances, the authorities ought to have refunded the amount deposited by the petitioner without any delay. Be that as it may, he, as always, fairly submits that the requisite amount, along with admissible interest thereupon, shall be refunded to the petitioner, per clause 5 (2) of the Housing Board Haryana



(Allotment, Management and Sales of Tenements) Regulations, 1972, within three days from today, provided the necessary bank details are supplied by her, at the earliest.

To this, learned counsel for the petitioner submits the necessary bank details, to facilitate the process of refund, shall be furnished to the learned counsel for the respondent-Board today itself, to avert any further delay.

In the wake of the above and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of. However, in the event, the requisite amount is not refunded within the period indicated above, the petitioner shall be at liberty to move an application in this petition itself, for its restoration and appropriate orders.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

17.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No