



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.29653 of 2019
Date of decision: 11.09.2024

Lalit Kumar Gupta and othersPetitioners

V/s

HUDA and othersRespondents

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

Present: Mr. Vaneet Soni, Advocate, for the petitioners.
Mr. Deepak Sabherwal, Advocate for the respondents-HSVP.

VIKRAM AGGARWAL, J.

1. The petitioners have prayed for the following substantive relief:-

“(Civil writ petition under Article 226/227 of the constitution of India for issuance of writ, order or direction especially for issuance of writ in the nature of Certiorari for quashing of impugned Order/Memo dated 04.09.2019 (Annexure P-25) passed in furtherance to approval by Hon'ble CM-cum-Chairman, HUDA vide orders dated 12.06.2017 for holding the mini draw of lots amongst the vacant Plot No. 601-P, Sector-43, Plot Nos. 1600; 1605-SP; 3059-P; 3061-P; 3062-P; 3065; 3066; 3067; 3068; 3117-P Sector-46, Gurugram to give undue benefit especially to respondent no. 3 (allottee of alternate Plot No. 1376, Sector 51) OR Alternatively, the names of present petitioners/ joint allottees may kindly be directed to be included in the aforesaid draw of lot of aforesaid plots because the case of present petitioners is analogous to the case of present respondent nos. 3 and 4;

AND

Further issue a writ in the nature of mandamus directing the respondent nos. 1 and 2 to allot the fully developed One Kanal plot to the



petitioners/ joint allottees and include such other developed plots in addition to the aforesaid plots sought to be included in the Mini Draw of Lots to be held in furtherance to aforesaid impugned Order/ Memo dated 04.09.2019 (Annexure P-25) for allotment of plot to the petitioners/joint allottees.”

2. The facts, briefly put, are that vide letter of allotment dated 17.01.2005, a residential Plot No.2391, measuring 1 *kanal* (420 sq. mtrs.), situated in Sector 57, Gurugram (hereinafter to be referred to as the “disputed plot”) was allotted to one Kanta Rani. Kanta Rani sold the said plot to the present petitioners and accordingly re-allotment letter dated 17.03.2005 (Annexure P-2) was issued in favour of the petitioners.

3. However, possession of the disputed plot was not handed over, nor was it offered to the petitioners despite repeated requests on account of the same being the subject matter of a dispute as the acquisition proceedings had been challenged by the original land owners in CWP-11330-2007. During the pendency of the said case, the respondents offered possession to the petitioners vide communication dated 15.02.2010 (Annexure P-3).

4. The writ petition (CWP-11330-2007) came to be dismissed on 28.10.2013 (Annexure P-4). However, even thereafter, the possession of the disputed plot was not given to the petitioners and in fact a mini draw of lots for allotment of an alternative plot was fixed for 17.02.2014 vide communication dated 10.02.2014 (Annexure P-5). On receipt of the communication, the petitioners represented to respondent No.2 vide representation dated 26.02.2014 (Annexure P-6) that they should be given the original plot i.e. the disputed plot. On no response having been received, a reminder dated 18.06.2014 (Annexure P-7) was issued. However, vide



Gurugram was allotted to the petitioners. The petitioners, therefore, submitted representation dated 04.02.2015 (Annexure P-10) and other representations also seeking possession of the disputed plot. However, the respondents were bent upon allotting the undeveloped alternative plot and offer of possession was also given on 17.08.2015 (Annexure P-11).

5. Aggrieved by the action of the respondents, the petitioners preferred the instant writ petition. Reference to certain other writ petitions having been filed by the land owners etc. in the interregnum has also been made in the writ petition. Reference has also been made to certain similarly situated allottees who had been given relief. It is the case of the petitioners that further draws were fixed for allotment of vacant plots in Sector 43 to favour respondents No.3 and 4.

6. After the matter had remained pending before this Court, today during the course of the arguments, Mr. Deepak Sabherwal, learned counsel representing the HSVP has submitted that the request of the petitioners for retaining the disputed plot i.e. Plot No.2391, Sector 57, Gurugram shall be favourably considered and the disputed plot shall be allotted to the petitioners after taking due approval from the competent authority i.e. the Chairman, HSVP after the Model Code of Conduct ceases to operate. It has also been submitted that the necessary formalities shall be completed within a period of two months after the Model Code of Conduct ceases to operate. He further submits that before such a decision is taken, a hearing shall also be duly given to the petitioners. Mr. Sabherwal also produced a communicated dated 11.09.2024 in this regard:-

“The representation of the petitioner was considered for allotment of original plot No. 2391, Sector 57 in place of alternate



plot no. 1340, Sector 51, Gurugram. The opinion of the office of Ld. Advocate General, Haryana was also taken in this regard and accordingly case was recommended to the Hon'ble Chairman HSVP by Worthy Chief Administrator, HSVP through W/ACS TCP, Haryana, however W/ACSTCP remarked for waiting of the decision of the Hon'ble High Court.

The said decision is prior to coming of policy dated 06.08.2024 for exchange of plots. As per policy dated 06.08.2024, Worthy Chief Administrator, HSVP is competent authority for allotting alternate plot in same sector in lieu of disputed plot. However in case where allotment of alternate plot is to be made in sector other than disputed plot, then the Competent Authority shall be Hon'ble Chairman, HSVP.

In the present case alternate plot in different sector i.e. Sector 51 has been allotted, whereas original plot is in Sector 57. Therefore approval of Hon'ble Chairman HSVP is required.

It is further submitted that request of the allottee for retaining the original plot no. 2391, Sector 57 shall be considered and same shall be allotted to the petitioner after taking due approval from the Competent Authority i.e. Hon'ble Chairman, HSVP after Model Code of Conduct (MCC) ceases to operate. The necessary formalities shall be completed within two months of cessation of MCC and petitioner shall also be duly heard.”

7. In view of what has been stated by learned counsel representing the HSVP, learned counsel representing the petitioners submits that the writ petition be disposed of in terms of the statement made by learned counsel for the HSVP, as per which the disputed plot i.e. Plot No.2391, Sector 57, Gurugram, would be re-allotted to the petitioners within a period of two months after the Model Code of Conduct ceases to operate and before that due hearing shall also be given to the petitioners.
8. Accordingly, the writ petition is disposed of in terms of the statements made by learned counsel for the parties.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

September 11, 2024

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No