



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-25237-2024(O&M)
Date of decision: 03.10.2024

Seema Gupta ... Petitioner
Versus
State of Haryana and others ... Respondents

2. CWP-7232-2023(O&M)
Sneha alias Sneh ... Petitioner
Versus
State of Haryana and others ... Respondents

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

Present: Mr. Vikas Nagwan, Advocate, and
Ms. Manvi Rajvanshy, Advocate,
for the petitioner (in CWP-25237-2024).
Mr. Suresh Kumar Kaushik, Advocate,
for the petitioner (in CWP-7232-2023).
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.
Mr. Deepak Sabherwal, Advocate, and
Mr. Amit Jaiswal, Advocate,
for the respondent(s)-HSVP.

ARUN PALLI, J. (Oral)

Vide this common order and judgment, we shall dispose of both these petitions, i.e. CWP-25237-2024 & CWP-7232-2023. However, the facts are being derived from CWP-25237-2024 (**Seema Gupta v. State of Haryana and others**).

For, this Court, while issuing notice to the respondents on September 30, 2024, had passed a detailed order, followed by another order dated October 1, 2024, a detailed reference to the averments set out in the both the petitions is clearly avoidable:

Order dated September 30, 2024:

“A site/plot measuring 135 sq.m. was allotted to Om
Pati Gupta, vide regular letter of allotment dated 21.04.1995,



for a consideration of Rs.1,14,217/-. The possession certificate dated 10.02.2016, issued by the Junior Engineer, reveals that the actual physical possession of the allotted site was delivered to the allottee. For, subsequently, the petitioner purchased the subject site after obtaining the necessary approvals/sanctions, re-allotment letter dated 25.03.2016, was issued by the respondents-authority, in favour of the petitioner. Whereas, learned counsel for the petitioner submits that to date the actual physical possession of the allotted site has not been delivered. So much so, vide communication dated 03.01.2020, the Estate Officer, HSVP, Sonapat, required the petitioner to give consent for allotment of an alternate plot as it was not feasible to deliver possession of the originally allotted site No.1381, for the said plot was deleted vide drawing No.DTP(S) 876/2000 dated 04.05.2000. He submits that in the given circumstances, the petitioner being choiceless gave her consent on 13.01.2020 even for an alternate site and thereafter the matter has been pending for years. Now, he asserts that vide impugned order dated 16.05.2024, the authority have even declined her claim for allotment of an alternate site as in terms of the HSVP policy dated 24.11.2022 (P12), the subsequent transferee is not even entitled to an alternate allotment. Meaning thereby, the petitioner, who is a *bona fide* purchaser for a valuable consideration since April 1995, has not been delivered the possession, either of the originally allotted site or of an alternate site. He asserts that the fact that no such site even exists reveals the insensitivity with which the matter has been dealt with by the respondents-authority.

Notice.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate for HSVP, is present in Court, accepts notice and prays for time to seek instructions.

Adjourned to 01.10.2024.

To be taken up immediately after urgent matters.”



And, as indicated earlier, on October 1, 2024, the following order was passed:

“With reference to the detailed order passed by this Court on 30.09.2024, learned counsel for the respondent-HSVP, on instructions from the Chief Administrator, submits that the grievance of the petitioner can be redressed as two plots measuring 6 marla each (No. 1270 and 1614), Sector-12, Sonapat, are unallotted/available. And in terms of the prevalent policy, one of the said plots can be allotted to the petitioner. He submits that since another petition (CWP-7232-2023, Sneha alias Sneh Vs. State of Haryana and others), involving similar issue, is posted for 18.10.2024, claim of the petitioner even in the said petition can also be considered qua the second plot. However, as which of the two plots is to be allotted to the petitioner(s) in the present and in the other petition, would be determined by way of draw. In the given circumstances, he submits that it would be expedient, if the proceedings in the other petition (ibid) are also preponed and both the petitions are heard together.

Accordingly, on the request of learned counsel for the respondent-HSVP, the date fixed in CWP-7232-2023, is preponed from 18.10.2024 to 03.10.2024.

Let both the petitions be listed together on the date fixed i.e. 03.10.2024.

A copy of this order be served upon learned counsel appearing for the petitioner in CWP-7232-2023 (Mr. S.K.Kaushik, Advocate).

To be shown at No.1 in the urgent list.”

Accordingly, learned counsel for the petitioners submit that let both the petitions be disposed of in terms of the statement(s) made by learned counsel for the respondent-authorities before this Court on October 1, 2024, and so recorded in the said order (**ibid**). However, the limited concern that is being expressed is that since a considerable time has already elapsed, the authorities be directed to indicate the precise date or the timeline within which



the draw of lots, to facilitate the process of formal allotment in favour of the petitioners, would be held.

To this, learned counsel for the respondents submit that the authorities would conduct a draw within four (4) weeks from today. And soon thereafter, formal letters of allotment to the petitioners would be issued.

In the wake of the position sketched out above, as also the statements of learned counsel for the parties, the petitions are accordingly disposed of.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

03.10.2024
Rajan

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