

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23796-2023
Date of decision: 19.01.2024

Manju GoelPetitioner

Versus

State of Haryana and othersRespondents

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

Present: Mr. Rajeev Anand, Advocate, and
Mr. Dhruv Chowfla, Advocate,
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. P.S. Chauhan, Advocate
Mr. Himmat Singh, Advocate,
for the respondent-HSVP.

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following
substantive relief:-

“Civil writ petition under Article 226/227 of Constitution of India for issuance of writ in the nature of Mandamus for issuance of appropriate directions to the respondent authorities for allotment of alternate plot in pursuance of the recommendation of respondent No.3 issued on 18.07.2016 (Annexure P-4), 22.05.2018 (Annexure P-7) and recommendation of respondent no.4 issued on 21.05.2018 (Annexure P-6) and for appropriate directions for allotment/ handing over possession of an alternate plot to the petitioner in light of the policy dated 18.02.2013 (Annexure P-8) floated by respondent HSVP wherein the petitioner fulfills the eligibility criteria for the allotment of an alternate plot in lieu of plot no. 449 [10 marla], Sector 1 part-1Nnarnaul which was allotted vide allotment letter memo no. 2516 dated 21.06.2000

(Annexure P-1) and regarding which all payments including payment of enhanced compensation has already been made by the petitioner; further the respondent authorities are duty bound to immediately and actively consider the case of the petitioner at the level of competent authority (respondent no. 2) while all intermediary authorities have considered and recommended case of petitioner being fully covered and entitled in a time bound manner as more than 20 years have passed but the petitioner is unable to the benefits of right to shelter qua the said allotment;

AND/OR

For issuance of interim directions to the respondents to reserve one plot available in Sector 1 Part 1 Narnaul (Haryana) out of the list dated 08.08.2023 (Annexure P-11) of available/unallotted plots published by respondent-HSVP in terms of the policy dated 18.02.2013 (Annexure P-8) in the pendency of the present civil writ petition.”

Learned counsel for the petitioner submits that petitioner was allotted a plot No.449, measuring 205 square meters, in Sector-1, Narnaul, vide allotment letter dated 21.06.2000. However, he submits that owing to a dispute qua the site in question with the erstwhile allottee, the authorities have failed to deliver its actual physical possession to the petitioner, though the total sale consideration has since been deposited. Further, he submits that as per information received by the petitioner under the Right to Information Act, 2005, the erstwhile allottee (Hemraj) has filed a suit against the respondent authorities. And the matter is still pending, wherein certain interim orders are operative between the parties. In reference to the communication dated 18.07.2016 (P-4), he submits that even the Administrator, HUDA, Gurgaon, had written to the Chief Administrator, HUDA (Urban Branch), Panchkula, seeking approval for allotment of alternate plots, where the allotted sites were subject matter

of a dispute. Likewise, even the Estate Officer, HSVP, Rewari, vide letter dated 21.05.2018 (P-6), had requested the Administrator, HSVP, Gurugram, to obtain necessary approval qua the proposal for allotment of alternate sites/plots from the Chief Administrator. So is the communication dated 22.05.2018 (P-7), but to no avail.

In reference to the list of un-allotted plots as on 08.08.2023 (P-11), it is submitted that eight plots of equal dimensions are available in the same sector, and therefore, there would not be any impediment for allotment of an alternate plot to the petitioner. However, it is urged that even though over two decades have gone by and despite having remitted the entire consideration, the petitioner continues to struggle to be delivered actual physical possession of either the allotted site or an alternate plot. So much so, even the representation dated 12.07.2022 (P-9), the respondent authorities have been served with, has failed to evoke any response. Thus, in the given circumstances, he asserts that the insensitivity and administrative apathy is writ large on the face on the record.

In response, learned counsel for the respondent-HSVP, in reference to our order dated 08.11.2023, submits that the matter as regards allotment of alternate sites/plots in similar circumstances, is under active consideration of the highest authority. And even a considerable ground is already covered. It is urged that it would be expedient if the petition is disposed of, at this stage, to enable the competent authority to deal with concerns/grievances of the petitioner and pass necessary orders, in accordance with law. Rather, the Court is assured that before any such orders are passed, the petitioner would also

be heard and the matter shall be finally decided within two months from today.

Learned counsel for the petitioner is in agreement with the course suggested by the learned counsel for the respondents, and submits that let this petition be disposed of, in terms of the statement made by him.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

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

19.01.2024
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No