

CWP-24590-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(122)

CWP-24590-2023

Date of decision:- 06.02.2024

Vipul Aggarwal

... Petitioner

Versus

The Deputy Commissioner, Gurugram

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vinay Kumar, Advocate
for the petitioner (through VC).

SUVIR SEHGAL, J. (ORAL)

1. By way of present petition filed under Articles 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondent to hand over the possession and execute conveyance deed of Plot No.1873, Phase No.1, Sector No.53-54, measuring 250 square yards, in reference to membership No.3350 of Saraswati Kunj Co-operative Group Housing Society Ltd., Gurugram in favour of the petitioner.
2. I have heard counsel for the petitioner.
3. Perusal of the averments made in the petition shows that his father, Late Sh. K.G.Aggarwal, was a member of the Society and had been

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allotted a plot. After his death, petitioner submitted a representation dated 04.05.2022, Annexure P-3, for the possession of the said plot. When the representation was not decided, he approached this Court by filing a Writ Petition, which was disposed of on 10.08.2022, Annexure P-4, with a direction to the respondents to consider and decide the representation in accordance with law. As the representation was not decided, petitioner filed a Contempt Petition and during its pendency, an affidavit dated 27.06.2023, Annexure P-6, was filed, wherein an order dated 03.04.2023 has been annexed, showing the proceedings of the meeting of Board of Administrators of the Society held on 03.04.2023 and by agenda Item No.8, representation of the petitioner has been rejected.

4. In the instant writ petition, petitioner is seeking a direction to the respondents to hand over the possession of the plot without laying any challenge to the order passed by the Board of Administrators. In the absence of any challenge to the said order, the direction, as sought for, in this petition cannot be granted.

5. Petition is dismissed.

06.02.2024
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No