



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 29106 of 2024

Date of decision: 25.10.2024

Sector 76-80 Plot Allotment & Development
Welfare Committee (Regd.)

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Amit Jain, Senior Advocate with
Mr. Chetan Slathia, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Sector 76-80 Plot Allotment & Development Welfare Committee) has prayed for the following substantive relief:

“Civil Writ Petition under Article 226/227 of the Constitution of India for the issuance of a writ in the nature Certiorari/Mandamus or any such other appropriate writ declaring the action of the respondents in raising the additional demand vide impugned demand notice dated 10.07.2023 (Annexure P-7) as illegal, arbitrary, against the terms of the allotment and violative of Article 14 of the Constitution of India.

AND

Further issuance of a writ in the nature of certiorari for quashing of the impugned demand notice dated 10.07.2023 (P-7) and other such notices issued/yet to be issued to allottees who are members of the petitioner society as illegal, arbitrary, against the terms of the allotment and violative of Article 14 of the Constitution of India.”

Learned Senior counsel for the petitioner submits that vide impugned demand notice dated July 10, 2023 (P-7), the Estate Officer (GMADA) has raised a demand of Rs.5,29,100/- as additional cost, owing to enhancement in the cost of acquisition @ Rs.2645.5 per square yards from

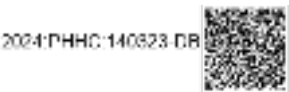


the existing allottees/transferees. Further, he submits that the said notice was served upon Sucha Singh, who happens to be the President and the Authorised Signatory of the petitioner committee, and similar notices have been served upon the other allottees as well. Being aggrieved, response/objections dated July 10, 2023 (P-10) to the demand notice (*ibid*) were submitted on the same day. And, even though over a year has gone by, but the concerns/grievances of the petitioner remain unaddressed. With reference to the reply/objections (P-10), learned Senior counsel for the petitioner further submits that the impugned demand is apparently erroneous and unsustainable on multiple grounds. But, owing to an inaction at the end of the respondent authorities, rights/interests of the petitioner is gravely impaired and with each passing day, the said liability is multiplying. Not just that, even legal notice dated May 11, 2023 and October 13, 2023 (P-14), the respondent authorities have been served with, have failed to evoke any response. Thus, this petition.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, is present in Court on behalf of the respondents. At the outset, he, on instructions, submits, for the competent authority is already in seisin of the reply/objections, as also the legal notice (P-14), it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to consider the claim of the petitioner and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner, through its authorised representative, as also the other stake holders, shall also be heard. And, a formal communication in this regard will be issued, well in advance.

Learned Senior counsel for the petitioner is agreeable to the course suggested by the learned State counsel and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that the matter being time sensitive, the competent authority be directed to consider and finally decide the matter within a specified time.

To this, learned State counsel submits that the necessary orders in this regard shall be passed within six weeks from today.



In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, this petition is accordingly disposed of.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned State counsel, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

25.10.2024
deepak

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