



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28607-2024(O&M)
Date of decision: 22.10.2024

Vikram Sethi
... Petitioner
Versus
State of Haryana and others
... Respondents

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

Present: Mr. Rajesh Sehgal, Advocate, for the petitioner.
Mr. Ankur Mittal, Addl. Advocate General, Haryana.
Mr. Deepak Sabherwal, Advocate,
for the respondents No.2 to 4-HSVP.

ARUN PALLI, J. (Oral)

The petitioner (Vikram Sethi) has prayed for the following relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of Mandamus directing the respondents to consider the petitioner’s application for the allotment for the plot of one Kanal size in Sector 21 (Part III) Panchkula as per the order and judgment dated 31.03.2009 (Annexure P-8) passed in CWP 9814 of 2007 in pursuance of the Advertisement dated 01.08.2003 (Annexure P-1) and consequently a plot of one kanal size in Sector 21 Panchkula (part III) be allotted to the petitioner as expeditiously as possible and not later than 30 days from today.

OR IN ALTERNATIVE

(ii) A writ in the nature of Mandamus directing the respondents to consider the petitioner’s application for the allotment for the plot of one Kanal size in any sector available with the Respondents on the same cost as



expeditiously as possible and not later than 30 days from today.”

Learned counsel for the petitioner submits that in response to the advertisement dated August 1, 2003, the petitioner, vide application No.52130 of 2003, had sought allotment of a site/plot. And, he had even deposited Rs.2,00,928/- as earnest money. However, as the claim of the petitioner was not considered for years, he was constrained to approach this Court vide CWP-9814-2007. He submits that the said petition was disposed of by this Court on March 31, 2009, with liberty to the petitioner to either withdraw the Earnest Money Deposits or keep his application pending for consideration, for the stand set out by the authorities before the Court was that owing to an order of injunction passed by the Civil Court in Civil Suit No.280 of 2005, they were restrained from holding the draw of lots. It is submitted that, in fact, no such injunction was ever issued by the Civil Court. And, the only direction that was issued by the Court was to keep the four (04) plots, measuring 1 kanal, in Sector 21, Panchkula, reserved for the plaintiffs. He submits that to date, the petitioner has not withdrawn his application as also the amount he had deposited over two decades ago. But despite that, his claim remains unaddressed.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana and Mr. Deepak Sabherwal, Advocate are present in Court on behalf of respondents No.1 and respondents No.2 to 4, respectively.

The factual position as indicated above, is not disputed by learned counsel for the respondents. However, learned counsel for respondents No.2 to



4-HSVP submits that the Scheme, pursuant where to the petitioner had applied, had since been scrapped in the year 2016. Accordingly, he submits, the amount deposited by the petitioner was also returned with interest vide a demand draft dated February 17, 2018, for Rs.3,43,486/- sent by a registered post, but the same was received back, for as per the report of the postal agency, the petitioner never resided at the given address. Be that as it may, he submits that let the petition be disposed of, at this stage, to enable the competent authority to consider the concerns/grievances of the petitioner that are sought to be made in the petition. And comprehensive orders, in accordance with law, shall be passed to address all the issues that are sought to be raised. Further, he submits that in the event, the authorities reach a conclusion that it is not viable to make any such allotment to the petitioner, the amount deposited by him would be refunded along with the interest @ 5.5% per annum, immediately on passing of a formal order, as indicated above.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents No.2 to 4-HSVP and submits let the petition be disposed of in terms of his statement. However, he submits, for a considerable time has elapsed, the authorities be directed to take a decision within a specified time.

To which, learned counsel for the respondents No.2 to 4-HSVP submits that necessary orders shall be passed within a period of four weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of. This Court is sanguine that the respondent-authorities shall consider the



matter in the right earnest, and pass the appropriate orders in accordance with law.

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

22.10.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO