

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-35146-2019
Date of decision: 09.01.2024

Vakil and othersPetitioners

Versus

State of Haryana and othersRespondents

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

Present: Mr. S.K. Hooda, Advocate,
for the petitioners.

Mr. Karan Jindal, Assistant Advocate General, Haryana.

Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur, Advocate,
for respondent No.3.

Mr. Aashish Chopra, Senior Advocate, with
Ms. Nitika Sharma, Advocate,
for respondent No.4.

ARUN PALLI, J. (Oral)

The petitioners herein pray for a Mandamus to command the respondent authorities to allot EWS Flats after fixing the actual date for draw, in terms of the policy dated 08.07.2013 (P-1).

Learned counsel for the petitioners submits that the promoter/developer (respondent No.4), vide communication dated 30.7.2019 (P-4), had informed the Chief Administrator, Housing Board Haryana, that 129 EWS Flats in the Group Housing Colony (PARAS DEWS) in Sector 106, Gurugram, were complete and ready for allotment. So much so, even part occupation certificate was issued on 15.01.2019 (R-1). And, even earlier, the developer had requested the

authorities to initiate the process of allotment, in terms of the policy dated 17.05.2018 (P-3), but to no avail. Further, he submits that even prior to the institution of this petition, the petitioners had served respondent No.3 with a representation dated 02.09.2019 (P-5), qua their concerns/grievances, but that too has failed to evoke any response.

The stand set out in the written statement filed by the Department of Town & Country Planning, Haryana (respondents No.1 and 2), is that concededly, the date for draw of lots for allotment of EWS Flats has not yet been fixed. In terms of the guideline 2.5.1 of the policy (P-3), the responsibility squarely lies upon respondent No.3.

The records show that the matter is pending since December, 2019, and to date, despite service, no response has been filed on behalf of respondent No.3. So much so, a Coordinate Bench, vide order dated 07.08.2023, had granted last opportunity to respondent No.4 to submit its response, but to no avail. That being the situation, we had asked Mr. Ankur Mittal, Advocate, to appear on behalf of respondent No.3 yesterday (i.e. 08.01.2024). Accordingly, the Chief Administrator, Housing Board, Haryana (respondent No.3), is present in Court. Mr. Ankur Mittal, upon instructions, submits that apparently, there is no justification for the delay that has occurred in initiating the allotment process to be followed by formal allotments to those who are/have been found entitled thereto and have waited for years without any plausible explanation. However, it is urged that as the matter is under active consideration of the authorities, a conclusive decision, in this regard, is likely to be reached within four weeks from today. Whereafter, the process of allotment would also be initiated.

That being so, learned counsel for the petitioners submits that nothing substantive survives in this petition and the same be disposed of, in terms of the statement made by learned counsel for respondent No.3.

Accordingly, the petition is disposed of, in terms of the statements made by learned counsel for the parties. However, it is made clear that in the event, despite the time indicated above, no decision is taken by the competent authority and the matter makes no progress, the petitioners shall be at liberty to move a necessary application in this petition itself for restoration and appropriate orders.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

09.01.2024
Ak Sharma

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