



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 28811 of 2024
Date of decision: 23.10.2024

Balvinder Kaur and others

.... Petitioners

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Rajesh Sehrawat, Advocate
Mr. Rajeev Sharma (Raju), Advocate and
Ms. Meeta Bali Sehrawat, Advocate
for the petitioners.

ARUN PALLI, J (Oral)

The petitioners have prayed for the following substantive relief:

“Civil Writ Petition Under Articles 226/227 of the Constitution of India thereby praying for the issuance of a writ in the nature of Certiorari thereby setting-aside the impugned letter dated 20.01.2022 (Annexure P-8) issued by the respondent No.3 i.e. Estate Manager, Haryana State Industrial and Infrastructure Development Corporation Ltd., HSIIDC, Kundli, District Sonapat vide which the plot no.302, Sector 57, EPIP, Industrial Estate, Kundli, District Sonapat has been resumed by the respondent HSIIDC, which has been issued after the death of original allottee Sh.Jaswant Singh Thapar, who has expired on 19.06.2015 and also for setting aside the impugned letter dated 09.10.2024 (Annexure P-9) vide which the petitioners are directed to hand over the possession of the aforesaid plot to the respondent HSIIDC, being illegal, arbitrary and in violation of principles of natural justice;

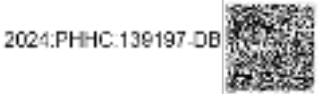
AND

For the issuance of a writ in the nature of Mandamus thereby directing the respondent HSIIDC to decide the representation dated 20.10.2024 (Annexure P-10) submitted by the petitioner



for granting them some time to deposit the outstanding enhanced amount and for granting rebate in interest and penal interest on the outstanding enhanced amount and for withdrawal of the letter dated 20.01.2022 (Annexure P-8)”

Learned counsel for the petitioner submits that an industrial plot No.302, situated in Industrial Estate, Phase-IV, Kundli, District Sonapat, measuring 450 square meters, was allotted to late Jaswant Singh Thapar, (predecessor in interest of the petitioner), vide a letter of allotment dated January 07, 2002. It is submitted that the subject site was allotted to set up an industrial project of engineering/fabrication. Thereafter, even a conveyance deed dated April 08, 2011 was executed between the parties, followed by an occupation certificate dated May 15, 2012. Further, he submits that unfortunately, the original allottee passed away on June 19, 2015. And, the petitioners are his widow, son and a daughter. It is submitted that vide impugned letter dated January 20, 2022 (P-8), issued by the Estate Manager, HSIIDC, Sonapat (respondent No.3), the said site has since been resumed, owing to an alleged default in payment of additional cost on account of enhancement in the cost of acquisition. But, no notice as regards the additional cost was ever served upon the petitioners. So much so, the show cause notices, that are alleged to have been served upon the petitioners on May 24, 2019, August 13, 2019, June 19, 2021 and December 06, 2021, prior to the order of resumption, were never received by the petitioners either. In fact, it is urged that the petitioners actually acquired knowledge of the order of resumption on October 19, 2024, upon their visit to the respondent-corporation, pursuant to a telephonic call from one of the officials of the respondent-Corporation. Accordingly, it is urged that the petitioners are ready/willing to deposit the additional price within three days, to establish their bonafides and would also clear all outstanding dues/liability, as would be indicated by the respondents. Further, concededly, the entire sale consideration had since been paid by the original allottee and there were no outstanding dues. And, pursuant to the allotment made on January 07, 2002, the petitioners continue to be in actual physical possession



and, in fact, have now been served with a notice of ejectment on October 09, 2024 (P-9).

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Punjab, is present in Court on behalf of respondents. At the outset, he submits that in terms of Clause 6.3 of the Estate Management Procedures (EMP), 2015, against the impugned order dated January 20, 2022 (P-8), the petitioners have a remedy by way of appeal before the Administrative Secretary of the Industries, Department. And, in the given circumstances, the petitioners ought to have availed the said remedy, in the first instance. He submits that albeit the time within which the appeal in terms of Clause 6.3 is required to filed is within 90 days, but, in the event the petitioners deposit the additional cost, with up to date interest, as indicated above, within three days from today, with the Estate Manager, and further files the appeal within a week thereafter, the same shall be entertained. And, the appellate authority would consider and decide the same, in accordance with law. Further, as always, he fairly submits that till the formal orders are passed by the appellate authority, the petitioners would not be evicted from the subject site.

In response, learned counsel for the petitioners, as indicated above, submits that the requisite amount towards the additional cost would be deposited. And, appeal, in terms of Clause 6.3 (*ibid*), would be filed within a week thereafter.

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.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.10.2024
deepak

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