

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29236-2023(O&M)
Date of decision: 16.02.2024

Lal Singh
... Petitioner
Versus
Haryana Shehri Vikas Pradhikaran and another
... Respondents

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

Present: Mr. Sanjiv Ghai, Advocate,
for the petitioner.
Mr. Deepak Sabherwal, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226 of the Constitution of India, praying for issuance of an appropriate writ, order or direction especially Writ in the nature of Certiorari quashing the impugned Clause No.2 of the allotment letter dated 06.10.2023 (Annexure P-5) to the extent, whereby the petitioner being an allottee under the oustee category has been directed to pay the price of the allotted plot to the tune of Rs. 1,43,07,863/- at the rate of Rs. 56,308/- per sq. Mtr. which is the current reserve price for the e-auction of the plots and further quashing the impugned memo dated 10.11.2023 (Annexure P-9) whereby, the representation dated 03.11.2023 (Annexure P-7) submitted by the petitioner has not been accepted and it has been informed that the above-mentioned rate of the plot has been charged from the petitioner as per advice regarding charging of rate received from the Chief Administrator, HSVP, Panchkula vide his office e-mail dated 18.09.2023 and the petitioner has been asked to deposit the balance

amount within prescribed period upto 04.01.2024, being, illegal, arbitrary, unjust. improper and contrary to the law laid down by the Hon'ble Full Bench of this Hon'ble Court in the case of *Rajiv Manchanda Vs. HUDA & Another*.

And

For the issuance of a Writ in the nature of Mandamus directing the respondents to charge the rate of Rs.3,856/- per sq. yard for allotment of plot made to the petitioner as applicable at the relevant time when the petitioner submitted his application and was even successful in the draw of lots held by the Respondents on 28.10.2005, pursuant to the advertisement issued on 05.07.2005 for allotment of plots to the oustees:

And

For the issuance of Writ in the nature of Mandamus directing the respondents to refund the petitioner the excess amount paid by him for the Plot in question allotted to him over and above the rate of Rs.3,856/- per sq yard mentioned in the public notice (Annexure P-1) issued on 05.07.2005 by the Respondent Authority;

And

For the issuance of Writ in the nature of Mandamus directing the respondents to deliver the possession of the Plot No. 1271-P Sector 18, Part-II, Urban Estate Jagadhri to the petitioner as per Clause 7 of the allotment letter in view of the petitioner having already deposited 25% amount i.e. Rs.34,75,507/- Plus Rs.1,01,459/- as per Clause 5 of the allotment letter:

And

For the issuance of Writ of Prohibition restraining the respondents from cancelling the allotment of plot made to the petitioner vide allotment letter dated 06.10.2023 (Annexure P-5) under the garb of charging the unjustified

and arbitrary rate of Rs.56,308/- per sq. mtr. from the petitioner for the allotment made.”

Upon hearing the learned counsel for the parties, this Court, on December 22, 2023, had passed the following order:

“Notice of motion.

Mr. Deepak Sabherwal, Advocate, present in Court on advance copy, accepts notice on behalf of the respondents and prays for a short accommodation to submit a response.

As prayed, adjourned to 31.01.2024.

Response, if any, be submitted three days’ prior to the adjourned date with an advance copy to the learned counsel for the petitioner.”

Today, at the outset, learned counsel for the respondents, on instructions from the Chief Administrator (HSVP), submits that claim of the petitioner would be re-considered. Whereafter, necessary orders in accordance with shall be passed. And before any such orders are passed, the petitioner would also be heard and till formal orders are passed, the respondents would not resort to any coercive measures.

That being so, learned counsel for the petitioner submits that let this petition be disposed of in terms of the statement made by learned counsel for the respondents. However, he submits that as the competent authority would re-examine the matter, the petitioner be granted liberty to furnish additional documents/material to support/substantiate his claim.

To this, learned counsel for the respondents submits that in the event, any fresh material is submitted by the petitioner within a week from today, the same shall be taken cognizance of by the respondent-authorities.

And, the competent authority would pass necessary orders within a period of four weeks thereafter.

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

Needless to assert that in the event, the petitioner is aggrieved by the order passed by the competent authority, he would be at liberty to avail the remedy as shall be admissible in law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

16.02.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO