

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-231-2024
Date of decision: 09.01.2024

Sunder Lal SharmaPetitioner

Versus

State of Haryana and othersRespondents

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

Present: Mr. Sandeep Sharma, Advocate,
Mr. Rohit Johar, Advocate, and
Mr. Rohan Moudgil, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following
substantive relief:-

*“Civil Writ Petition under Articles 226/227 of
the Constitution of India Praying for issuance of Writ in
the Nature of Mandamus of Direction may kindly be issued
to the respondents to allot alternative site of 180 Square
Meter plot in Urban Estate Rewari to the petitioner in view
of the policy dated 18.02.2013 (Annexure P-7) AND
Further Praying for issuance of Mandamus of Direction
may kindly be issued to the respondents to provide
calculation details to the petitioner vide which respondents
have adjusted the amount, which has been deposited by the
petitioner as per the demand of the Estate Officer of Plot
No.785 GP (180 Square Meter) sector-18 in Urban Estate
Rewari and Further Direction may kindly be issued to
respondents to refund the amount with interest as per
clause 7 of the Allotment letter dated 27.12.2010
(Annexure P-1), because respondents have reduced the*

size of the plot from 180 Square Meter to 120 Square Meter OR alternative.”

Learned counsel for the petitioner submits that petitioner was allotted a plot No.785 (GP) in Sector-18, Urban Estate, Rewari, under the Defence Category. And, the tentative price of the said plot, as per the letter of allotment dated 27.12.2010 (P-1), was Rs.14,17,878/-. In reference to condition No.7 of the letter of allotment, he submits that respondent authorities were obliged to deliver the actual physical possession by 27.12.2013. However, the petitioner was delivered the possession on 07.06.2022. He further submits that the limited grievance that the petitioner has is: while issuing the possession certificate and delivering actual physical possession, the area of the allotted site/plot was reduced from 180 square meter to 121.08 square meter. It is submitted that even prior to the issuance of a formal certificate of possession dated 17.05.2023 (P-4), the petitioner, vide representation dated 01.02.2023 (P-5), had expressed his concerns/grievances to the authorities, but to no avail. And, even thereafter, vide representation dated 19.06.2023 (P-6), he required the authorities to intervene and redress his grievance, but to date, the matter has not made any tangible progress. It is urged that in the given circumstances, the petitioner is not only entitled to refund of the excess payment, but also interest for the late delivery of possession of the allotted site. Further, per clause 3 of the policy dated 18.02.2013 (P-7), the petitioner, in fact, is entitled to allotment of an alternate site, for which he had repeatedly represented to the authorities vide the representations (*ibid*), but the same have failed to evoke any response.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. At the outset, he submits that a sum of Rs.6,60,000/- has already been credited in the bank account of the petitioner on 13.09.2023, in proportion to the area that was actually delivered to him. Be that as it may, he submits, for the representations (*ibid*), submitted by the petitioner, are still pending consideration before the competent authority, let this petition be disposed of, at this stage, to enable it to pass necessary orders thereon, in accordance with law. And, before any such orders are passed, the petitioner shall also be afforded a hearing.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondent-HSVP, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for the respondent-HSVP submits that the appropriate orders shall be passed within a period of four weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And appropriate orders shall be passed within the time indicated by learned counsel for the respondents.

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

09.01.2024
Ak Sharma

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