
(1991) 03 P&H CK 0080
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2455 of 1989

Nand Lal Bajaj

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 21-03-1991

Acts Referred:

Citation : (1991) PLJ 695 : (1991) 2 RRR 220

Hon'ble Judges : Ashok Bhan, J

Advocate : Shri Mam Raj, Advocate., Advocates for appearing Parties

Judgement

Ashok Bhan, J. (Oral)

1. Estate Officer, Haryana Urban Development Authority (for short HUDA), Rohtak, advertised some plots of various sizes in Sector1, Rohtak on 27th May, 1985. Last date for submission of applications was 26th January, 1985. Tentative price of 10 Marlas plot was Rs. 56,710/-. Since the applicants were less than the plots available, therefore, the advertisement dated 27th May, 1985 was cancelled. Estate Officer HUDA again advertised the plots of various sizes in Sector1 on 1st August, 1986. The last date for submission of applications was 1st September, 1986. Tentative price of 10 Marlas plot was again fixed at Rs. 56,710/-. Again he applicants were less than the plots available and as such all the applicants who had applied in time were allotted the plots. Sufficient plots of various sizes still remained available with the Estate Officer. Chief Administrator HUDA decided that plots in low demand area including Rohtak be allotted on "first come first serve" basis and the price to be charged was to be calculated after adding ten per increase in original price upto 31st March, 1988. Copy of the letter issued by the Chief Administrator, HUDA has been attached as Annexure P2 to the writ petition.

2. Petitioner applied for 10 marla residential plot alongwith bank draft No. 599122 dated 5th April, 1986 for Rs. 15,125/ being 25% price of the plot. Application alongwith Bank draft was given by the petitioner personally in the office of Estate Officer on 5th April, 1988. It is stated in the petition that on the

day of application plots No. 144 and 703 measuring 10 marlas each in Sector1, Rohtak were available. Respondents No. 4 and 5 also applied for 10 marlas plots in Sector1, Rohtak along with the requisite amount on 6th April, 1988. The respondent authorities allotted both the plots to respondents No. 4 and 5 and ignored the petitioner's claim without any reasonable basis. According to the policy (Annexure P1) HUDA authorities were to allot the plots on "first come first serve" basis but the petitioner's claim though prior in time, was ignored and the plots were allotted to respondents No. 4 and 5.

3. Petitioner made a complaint dated 26th April, 1988 to the Chief Administrator HUDA Mani Majra, Chandigarh stating therein that petitioner's claim has been ignored and that plots No. 144 and 703 had been allotted to respondents No. 4 and 5 with ulterior motive. Copy of complaint is attached as Annexure P3 with the writ petition. Chief Administrator HUDA wrote to the Administrator HUDA, at Gurgaon for making enquiry in the matter and a copy of this letter was endorsed to the petitioner as well which has been placed as Annexure P4 to the writ petition. Thereafter, petitioner did not get any intimation regarding the result of the enquiry conducted by Administrator, HUDA Gurgaon. On 7th June, 1988, petitioner received a registered letter from Estate Officer, HUDA, informing him that plot No. 144 in Sector1, Rohtak has been allotted to another person and as such the said plot could not be allotted to him and it was further mentioned that Bank Draft of Rs. 15,125/- is returned with the said letter. Aggrieved against this action of the respondents, petitioner has filed the present writ petition.

4. No return has been filed on behalf of the State of Haryana or HUDA. Therefore I would take the facts as stated in the petition to be correct under the circumstances. At the time on admission of this writ petition, one plot was ordered to be kept reserved for the petitioner.

5. Counsel for the petitioner has argued that the HUDA authorities have ignored the policy (Annexure P1) of "first come first served" basis although the application of the petitioner for allotment of the plot was prior in time to those of respondents No. 4 and 5 still Estate Officer instead of allotting plot to the petitioner allotted the same to respondents No. 4 and 5. Case of the petitioner is that the authorities have acted against the policy in an arbitrary manner with some ulterior motive and to give undue benefit to respondents No. 4 and 5 at the cost of the petitioner.

6. I have gone through the record of the case and find force in the submission of learned counsel for the petitioner. As per policy (Annexure P1) plots were to be allotted on the basis of "first come first served" basis and the petitioner had applied for the allotment of plot on 5th April, 1988 whereas respondents No. 4 and 5 had applied for the plots on 6th April, 1988, that is a day later than the petitioner. HUDA authorities have acted in contravention of their own policy in Annexure P1 that plots would be allotted on "first come first served" basis. Action is otherwise also arbitrary in nature. Petitioner who had applied prior in time had to be given preference over and above the persons who applied later,

all other things being equal.

7. Resultantly, the respondents are directed to allot 10 marla plot to the petitioner which was ordered to be kept reserved for him at the price which was prevalent on 5th April, 1988. Petitioner is directed to deposit 25% of the said price within one month from today. Rest of the amount would be paid in equated instalments. The writ petition stands allowed with costs of Rs. 500/.