
(1998) 02 P&H CK 0108

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14989 of 1993 (O and M) and Civil Miscellaneous No. 885 of 1998

Smt. Bala Rani

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 26-02-1998

Acts Referred:

Citation : (1998) 120 PLR 755 : (1999) 1 RCR(Civil) 120

Hon'ble Judges : N.K. Sodhi, J

Bench : Single Bench

Advocate : S.K. Pipat and Ravi Kant, for the Appellant; Attar Singh Gulia, for the Respondent

Final Decision : Allowed

Judgement

N.K. Sodhi, J.—One Chhabil Das Jain was allotted on 21.4.1975 a residential plot No. 325 measuring 350 squares yards in Sector 4, in the Urban Estate, at Panchkula. He was given possession of this plot on 15.1.1980. The plot was sold by him to the petitioner herein on 18.6.1982. On the same day Mr. Chhabil Das Jain wrote to the Haryana Urban Development Authority (H.U.D.A. for short) to transfer the same in the name of the petitioner. The plot was transferred in the name of the petitioner on 27.7.1982 on deposit of Rs. 7,000/- by her as extension fee for not raising the construction within stipulated period. Thereafter, the petitioner submitted a site plan for constructing a residential building on the plot in question. This plan was not sanctioned by H.U.D.A. It then transpired that plot No. 325 was a part of park in Sector 4 and that no such plot was existing at site. The petitioner then applied for the allotment of an alternative plot in the same sector. When this request of the petitioner was not granted she filed the present writ petition in the year 1993.

2. In the written statement filed on March 31, 1994, the stand taken by H.U.D.A. is that a proposal for the allotment of an alternative plot No. 362-A in Sector 4 Panchkula to the petitioner was prepared and sent to the Chief Administrator for

his approval which was likely to be received any time. It is further stated that bona fide efforts were being made to allot the plot to the petitioner.

3. I have heard counsel for the parties. Almost five years have elapsed but the proposal in favour of the petitioner has not materialised so far. In the circumstances the writ petition is allowed and a direction issued to H.U.D.A. to allot the aforesaid plot No. 362-A in sector 4, Panchkula, to the petitioner and deliver possession of the same within one month from today. In case this plot is not available, any other plot in the same Rector and of the same size be allotted within the aforesaid period. No costs.