
(2012) 02 P&H CK 0104

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12348 of 2009 (O and M)

Sunit Seth

APPELLANT

Vs

Haryana Urban Development Authority and others

RESPONDENT

Date of Decision : 17-02-2012

Acts Referred:

Citation : (2012) 02 P&H CK 0104

Hon'ble Judges : A.N. Jindal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—The petitioner has sought writ of mandamus for directing the respondents to allot and handover the possession of Industrial Plot in Sector 37, Part-II, Gurgaon or any other alternative plot measuring 2100 sq. meters in Gurgaon.

2. It is asserted by the petitioner that he deposited earnest money of Rs. 7,00,000/- in the month of February, 2004 for allotment of Industrial Plot. The petitioner claims that plot Nos. 545 and 546 in Sector 37, Part-II, Gurgaon, were in fact, allotted to him. However, instead of that industrial plot No. 757, Sector 37, Part-II, Gurgaon, was allotted to him. But still the possession was not handed over of the plot allotted, therefore, he sought intervention of this Court.

3. Earlier, the petitioner filed a Civil Writ Petition No. 6720 of 2007 before this Court, which was disposed of on 22.09.2008 with direction to the respondents to consider the claim of the petitioner for allotment of plot within a period of four weeks. In terms of the said direction, an order (Annexure P-8) has been passed on 23.01.2009.

4. In the written statement, filed, it is asserted that the petitioner was interviewed by the Plot Allotment Committee and recommendation was made for allotment of plot, but no letter of allotment was issued in respect of plot Nos. 545 and 546, Sector 37, Part-II, Gurgaon or in respect of plot No. 757, Sector 37

Part-II, Gurgaon. The amount of Rs. 7,00,000/-, deposited by the petitioner, was refunded vide cheque dated 31.07.2007 along with interest.

5. We have heard learned counsel for the parties and find that the petitioner has absolutely no cause for invoking the writ jurisdiction of this Court. The application for allotment of plot was submitted by the petitioner not in response to any advertisement. The plots by the Haryana Urban Development Authority (for short "HUDA") can be allotted only on the basis of public advertisement and not on the basis of application submitted with the HUDA without giving opportunity to all the eligible candidates to apply and to be considered for allotment of plot. Since there is no public advertisement, the petitioner cannot claim any right of allotment. Still further, no letter of allotment was ever issued.

6. Therefore, the petitioner has no legally enforceable right, for which he can invoke the extraordinary jurisdiction of this Court.

7. Dismissed.