

(2008) 12 P&H CK 0154
In the Punjab And Haryana At Chandigarh

The Navgraha Central Government Employees Co-Operative
Group Housing Society Ltd.

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 12-12-2008

Acts Referred:

Citation : (2009) 153 PLR 463 : (2009) 5 RCR(Civil) 740

Hon'ble Judges : M.M. Kumar, J;Augustine George Masih, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The petitioner which is a co-operative Society of Central Government Employees has approached this Court for issuance of direction to the respondents to allot them a plot as it was successful in the draw of lots held on 29.8.2006. In pursuance to the Group Housing Scheme, 2005, the Haryana Urban Development Authority-Respondent No. 2 had invited applications for allotment of plots. According to clause 1 of the scheme only 1-1/2 acres, 1 acre and 1-1/2 acres plots were to be allotted. It was further claimed that two/three half acres plots were to be joined for allotment of one acre and 1-1/2 acre plots. A total number of 20 plots of half acres were made available for the cooperative societies of Haryana and Central Government employees. It was also clarified that at Faridabad and some other places two plots of one acre category were available. The case of the petitioner as projected in para 5 of the petition is that it had applied for two plots of half acre each (2000 sq. mts.) as per condition number I(a). According to the petitioners it was successful because in the draw of lots the name of the petitioner had figured at serial No. 20 and therefore the plot available at that time measuring half acres should have been made available. In the alternative it has been claimed that the petitioner in any case would be entitled to one acre of plot out of the two plots as per clause 1 dealing with the availability of plots. To appreciate the case of the petitioners it would be appropriate to read clause 1 which is reproduced herein in extenso.

S. No.	Name of Societies	No. of General Personnel	EWS	Coop. Housing	Coop. of Hy & Govt. employees	Welfare	Co-op. of MLAs	No. of U/E. plots.	plots.
1.	Panchkula	44*	27	4	7	2	2	2	2.
2.	Gurgaon	30*	18	3	4	2	1	2	3.
3.	Faridabad	133*	80	13	20	7	7	6	4.
4.	Sonipat	40	24	4	6	2	2	2	5.
5.	Panipat	22*	13	2	3	1	2	1	6.
6.	Rewari	19	11	2	3	1	1	1	7.
7.	Palwal	33	20	3	5	2	1	2	
	Total	321	193	31	48	17	16	16	

Notes:

i) The numbers of plots and area are tentative.

ii) The plots are not necessarily available in one Sector/Area.

This includes three plots of one acre category at Panchkula, one plot of one acre category at Gurgaon, two plots of one acre category at Faridabad and two plots of one acre category at Panipat.

2. The petitioner has placed reliance on Clauses 3 & 4 of letter dated 08.08.2006 issued by the Chief Administrator, HUDA, which provides for the procedure to be followed in such a case. It has been claimed that once slip containing registration number of the society which has applied for a different category of plots was put in a drum then one slip containing such a number was required to be withdrawn and the original slip was to be put back in the drum for draw of lots.

3. Respondent Nos. 2 to 4 have filed their separate written statements and have controverted the stand of the petitioner whereby it has been asserted that it had applied for two plots of half acre each. A copy of the application has been placed on record as Annexure R/1 which clearly shows that the petitioner had applied for one acre plot for Group Housing Society at Faridabad for 36 of its members for construction of flats of size of 199.4 sq. mts. The same information is reflected in the acknowledgement slip dated 27.2.2006 (Annexure P.2) and intimation letter dated 29.8.2006 (Annexure P.3). The respondents have alleged that the petitioner has misstated the facts and have thus mis-represented this Court. In para 3 of the preliminary submissions respondents have further stated that as per the scheme of the HUDA 20 plots of half acre size were to be allotted to the Societies of Haryana/Central Government employees in Faridabad which is evident from the brochure Annexure P.1 which could have been merged to make it one acre and 1-1/2 acre. It has been emphasized that out of 20 plots of half acre size meant to be allotted for the above said scheme 19 plots of half acre size had already been allotted to the other successful applicants. There was only one half acre size of plot which was left unallotted by the time the application filed by the petitioner succeeded. There was no other plot of half acre which could have been clubbed with the available plot to make it one acre and allot the same to the petitioner. Accordingly, as per letter dated 8.8.2006 issued by Chief Administrator fresh slips containing the number was drawn and respondent No. 5 who had applied for half acre size plot became successful for the said category and original slips which were drawn earlier were put back in the drum.

4. We have heard learned Counsel for the parties and have perused the pleadings with their able assistance and are of the view that the instant petition is devoid of merit. The petitioner has applied for allotment of one acre plot for 36 members of its society for construction of flats of size of 199.4 sq. mts. Each. The afore-mentioned facts is evident from their application Annexure R/I as well as acknowledgement slip (Annexure P.2) and intimation letter (Annexure P.3). A perusal of clause 1 of the Scheme along-with its table makes it evident that 20 plots of the size of half acre for the co-operative societies of Haryana and central Government Employees were available at Faridabad. According to note (ii) only three plots of one acre category at Faridabad were available which obviously could have been carved out by merging two plots of 1-1/2 acre size. The petitioner succeeded at a stage when 19 plots of half acre stood allotted to successful applicants and when his slip was taken out there was only one plot of the size of half acre which could not have been allotted to it as it had applied for one acre plot. There was only one half acre plot available and the same could not be merged with any other plot to make it one acre for allotment to the petitioner. It was obviously accordingly to the then policy the respondents were to follow/ guide-lines dated 8.8.2006 (Annexure P.4). Accordingly fresh slips containing site number was drawn and respondent No. 5 who had applied for half acre plot was declared successful at Sr. No. 21 and the original slip of the petitioner drawn earlier was put back in the drum. It is thus evident that the procedure for draw if lots has been meticulously followed. The procedure has been prescribed in para 3(c), which reads thus;

3. In the case of societies/welfare organizations who have applied for one acre or one and half acre plots the following procedure shall be followed:

a) ...

b) ...

c) Where plots are not available in ascending or in descending order then fresh slip shall be drawn out from the drum containing the number slips of GHS sites until the matching sites are available.

5. Guide-line given in clause 3(c) have been religiously followed and applied. According to the procedure where plots are not available then a fresh slip is to be drawn out from the drum containing the number slips of GHS sites until matching sites are available. At Sr. No. 21, the respondent No. 5 was found to be successful who had applied for 1/2 acre plot for its 21 members. The petitioner in any case was not eligible as it has more than 36 members. The petitioner has no cause of action to dispute the allotment made to respondent No. 5 or to claim that it was entitled to allotment of half acre of plot. Infact the petitioner has made active mis-representation in para 5 by stating that it had applied for two plots of half acre each. Therefore, the writ petition is wholly without merit and is thus liable to be dismissed.

6. For the reasons afore-mentioned this petition failed and the same is dismissed

with costs which is quantified at Rs. 10,000/-.