

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 17823 of 2013

DATE OF DECISION : 16.08.2013

Shubhansh Dhaka

.... PETITIONER

Versus

Haryana Urban Development Authority, Panchkula and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present: Mr. T.S. Chauhan, Advocate,
for the petitioner.

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SATISH KUMAR MITTAL, J. (Oral)

Originally, one Ashwani Kumar Seth was allotted residential plot No. 934, Sector 52, Gurgaon, by the HUDA, vide allotment letter dated 28.7.2003 (Annexure P-1). The said Ashwani Kumar Seth sold the said plot to one Ram Phool, who further sold it to Balbir Singh. The said Balbir Singh transferred the aforesaid plot in favour of the petitioner, with the prior permission of the HUDA, and re-allotment letter dated 9.5.2007 regarding the said plot in favour of the petitioner was also issued. However, possession of the said plot could not be delivered to the petitioner, therefore, vide letter dated 14.6.2012 (Annexure P-12), he was allotted alternative plot No. 1103 I in Sector 52, Gurgaon. Immediately thereafter, it was realised that the originally allotted plot, i.e. plot No. 934, is ready for delivery of

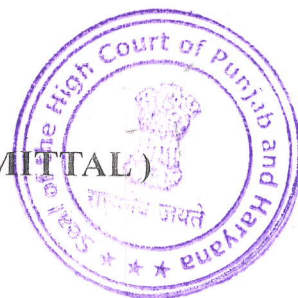
possession. In view of this fact, the allotment of the aforesaid alternative plot made by the HUDA was cancelled vide letter dated 10.7.2012 (Annexure P-14), issued by the Estate Officer-II, HUDA, Gurgaon, addressed to the petitioner, which has been challenged in the instant petition.

Since the originally allotted plot is clear on the spot and the petitioner can take possession of the same, therefore, he is not entitled for allotment of the alternative plot, which has rightly been cancelled vide the impugned letter, after recording a finding that the originally allotted plot is clear and possession of the same can be delivered to the allottee. In view of this position, we are not inclined to entertain this petition.

Dismissed.

However, the petitioner can approach the HUDA authorities for taking possession of the originally allotted plot. In case the authorities are not in a position to hand over possession of the originally allotted plot, it will be open to the petitioner to approach the court in accordance with law.

at (SATISH KUMAR MITTAL)
JUDGE



August 16, 2013

SL (MAHAVIR S. CHAUHAN)
JUDGE

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