Status Dismissed

19/14

W-10

DP No.-

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Maryana Urban Development Authority (in short HUDA) through its Chief Administrator, Sector 6, Panchkula.

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2) The Administrator, Haryana Urban Development Authority, Rohtak.

 $\underline{\Im}$ The Estate Officer, Haryana Urban Development Authority, Rohtak.

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Raghbir Singh Subject:-Civil Writ Petition No. 9969 of 2013

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Petitioners

Haryana Urban Development Authority and others Versus Respondent(s)

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Sir,

of in the above noted Civil Writ Petitions, for immediate strict compliance alongwith copy forward herewith a copy of Order dated In continuation of this Court's order dated 26.08.2014 passed by this Hon'ble High Court am directed to

Given under my hand and the seal of this Court on this 1st day BY ORDER OF HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH of/September 201

For Assistant Registrar (Writ)

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Superintendent (Writ)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

gr.

CIVIL WRIT PETITION No. 2967 of 2013

Rohtak. Raghbir Singh son of Sh. Phool Singh, resident of VPO Bohar, Tehsil and District

.....Petitioner

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Versus

Administrator, Sector 6, Panchkula. 7 Haryana Urban Development Authority (in short HUDA) through its Chief

N The Administrator, Haryana Urban Development Authority, Rohtak.

ω The Estate Officer, Haryana Urban Development Authority, Rohtak.

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.....Respondents

this <u>---</u> being citizen of India is competent to invoke the extra-ordinary writ jurisdiction of Hon'ble High Court under Articles 226/227 of the Constitution of India for That the petitioner is permanent resident of State of Haryana and hence

Respectfully Showeth:-

case

And proper which this for issuance of any other in the facts and circumstances of Hon'ble High Court may deem just fit and writ, order the or direction present

AND/ OR

A.A.

praying for issuance of a writ in the nature of certiorari vide charging higher rate of plot at Rs. 10,714/- per sq. mtr. quashing being illegal, null and void, arbitrary and discriminatory and against the directions given by this Hon'ble Court oustees policy dated 7.12.2007 (Annexure P-5) as the of oustees adalat (Annexure P-1) and also against the vide judgment dated 1.6.2011 (Annexure P-2) and order sq. mtr. and further directions to the respondents not to being charged by the respondents at the time of floating oustees are to be allotted plot at the same rate which is 14.3.2012 (Annexure P-4) at the rate of Rs. 6600/- per mtr. for a plot measuring 450 sq. mtr.; and Sector 4 (Ext.), Rohtak at the rate of Rs. 6600/- per sq 29,70,000/- being the total price as per prospectus of the recover the amount above the price of said plot i.e. Rs. allotted directing the respondents to charge the rate of the plot of said allotment letter dated 14.3.2012 (Annexure P-4) sector and a writ in the nature ರ the the petitioner vide allotment letter dated impugned action of respondents of mandamus 5

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Petition under Article 226/227 of the Constitution of India

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CWP No. 9969 of 2013

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9969 of 2013 Date of Decision : 26.8.2014

Raghbir Singh

Versus

..... Petitioner

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Haryana Urban Development Authority and others Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA HON'BLE MR. JUSTICE KULDIP SINGH

Present:-Mr. S.P. Chahar, Advocate, for the petitioner.

Mr. Raman Gaur, Advocate, for respondents.

 $\frac{1}{2}$ to see the judgment? Whether Reporters of local papers may be allowed

2. To be referred to the Reporters or not?

ω Digest ? Whether the judgment should be reported in the

HEMANT GUPTA, J. (ORAL)

10,714/- per sq. mtr. in respect of plot measuring 450 sq. mtr. allotted to the petitioner on 14.3.2012. The petitioner has sought intervention of this Court to charge rate at the rate of Rs. 6,600/- per sq. mtr. and not to recover the amount over and above the said rate Challenge in the present writ petition is to the rale of Rs.

petition filed by the petitioner on 1.6.2011, wherein a direction was issued was that petitioner should be allotted a 500 sq. yd. plot within two weeks. It letter of allotment was issued on 14.3.2012, allotting 450 sq. mtr. plot at in pursuance of such direction, after contempt petition was illed, The claim of the petitioner is based upon an earlier Writ تيم

CWP No. 9969 of 2013

thereafter the petitioner had approached this Court, challenging the the rate of Rs. 10,714/- per sq. mtr. allotment. when the amount of Rs. 12,05,335/- was deposited within 30 days. The petitioner accepted the said offer rate It is of

can examined by a Division Bench of this Court in LPA No. 2096 of 2011 others, decided on 25.4.2012, wherein it has been held that the titled as Harvana Urban relevant extract from the judgment reads as under :be charged is the The issue as to at what rate the plots can be allotted has been price Development prevailing at the time of allotment. Authority and others Versus Sandeep price that The and

applicable on the date of allotment, is chargeable from an allottee first It is other numerous factors which go into determination of the price of sector. and not the price, which was once fixed at the time of floatation residential plots in Sector keeping in view the cost of acquisition, development "It is argued by learned counsel for the appellant that the price scheme providing for allotment of plots at actual cost of oustees cost price. HUDA or the State Government does not have any contemplates only benefits like solatium, additional amount and returned oustee and not the market price/normal allotment price; the Court land cost plus development charges for the plots allotted to an for consideration before the Hon'ble Supreme Court. In respect of case, the Brij Mohan's case (supra) is of no help to the oustees. In the said oustees at a reasonable cost. Government or the Development Authority to allot plots to the Therefore, higher rate of interest to the oustees and not allotment of plots at question i.e. whether HUDA should charge only the actual contended that the judgment of Hon'ble Supreme Court in പ appellant Ĩť it is not possible for the Court to direct the finding is contended that price of the plots keep varying was not allotted plot when HUDA offered that the 4, Karnal. The two questions arose Land Acquisition Aci, work and 1894 State

It was held to the following effect:

1 plots the allotment price, it may be possible for the court scheme applicable specifies the price to be charged for and extraordinary circumstances, it may also indicate the has any grievance in regard to such scheme, he may either allotment, manner of determining the allotment price. "17. Where there is a scheme, but it does not regulate the challenge it or give a representation for a better State to land-losers its terms Government/Development cannot be ignored. If any at a reasonable cost, Authority and in special But where the land-loser to direct 0 or more allot

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CWP No. 9969 of 2013

beneficial scheme. But he cannot ask the court to ignore the terms of an existing or prevailing scheme and demand allotment at cost price."

In respect of second question i.e. what is the meaning of the of fact the land-loser has made an application in the year 1990 for Therefore, the rate for which plots were initially offered was 1992, allotment of plot. A direction was issued by the Court in the year words allotted to him. The said judgment does not lay down that the application was submitted by an oustee, 'normal allotment rate' in all circumstances shall be the date when keeping ordered to be charged. pursuance of which applications are invited from the general allotment rate would be the rate the sector is first floated for sale. As a matter of fact, the normal allotted." public and the oustees, in pursuance but "normal allotment rate", the Court found that as a matter Ш. the view the HUDA facts delayed allotment to the appellants. The said question has been answered of the advertised by the HUDA in aforesaid case, of which the plots are but still plot was not wherein

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allotment, prevailing at the time of allotment cannot be said to be illegal or unjustified. dispute the rate charged after accepting the offer accepted the rates offered in the allotment letter cannot be permitted to In view of the said fact, the price mentioned in the letter of In addition, it may be noticed that the petitioner having

Accordingly, the present writ petition is dismissed.

January J26.8.2014 sjks

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INJAB AND HARYANA HIGH COURT

(HEMANT GUPTA (KULDIP SINGH) JUDGE JUDGE R of the High Court of Pun Ph pus

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