

CA 5621
7/10/14

Status Dismissed

108
11/10/14

W-10

DP No.-

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

To,

- 1) State of Haryana through Secretary, Town & Country Planning, Chandigarh.
- 2) Haryana Urban Development Authority through Chief Administrator, HUDA, Sector 6, Panchkula.
- 3) Estate Officer, HUDA, Kurukshetra.

7/10/14

Receipt No. 5257

Date 7/10/14

No F.C.T.C.P.

Subject:- Civil Writ Petition No. 24173 of 2013
Sarvesh Kumari

7-10-14
PSTCP

Petitioner

9-10-14

Versus

State of Haryana and others

4/1 date CA
Broad judgment
CCTAS J/A

9-10-14

Respondent(s)

A 2A CDS
ADA (Sonika)

Sir,

In continuation of this Court's order dated _____ I am directed to

forward herewith a copy of Order dated 22.09.2014 passed by this Hon'ble High Court in the above noted Civil Writ Petitions, for immediate strict compliance alongwith copy of

BY ORDER OF HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Given under my hand and the seal of this Court on this 27th day of September 2014.

DAMB

1261
10-10-14

[Signature]
29/9/14
Superintendent (Writ)
For Assistant Registrar (Writ)

[Signature]
29/9/14



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

CIVIL WRIT PETITION NO. 24173 OF 2013

Sarvesh Kumari wife of R.P. Bhatnagar, Resident of House
no.16, State Bank Colony, Near Nirankari Bhawan, Hisar,
Haryana.

...Petitioner

Versus

1. State of Haryana through Secretary, Town & Country
Planning, Chandigarh.
2. Haryana Urban Development Authority through Chief
Administrator, HUDA, Sector-6, Panchkula.
3. Estate Officer, HUDA, Kurukshetra.

---Respondents

7

Civil writ petition under Articles 226/227
of the Constitution of India for Issuance
Of a writ in the nature of
Certiorari/Mandamus /Prohibitio
especially in the nature of mandamus for
directions to the respondents for allotment
of plot no.79, sector-8, Kurukshetra;

AND

Any other relief which this Hon'ble
court may deem fit under the facts and
circumstances of the present writ.

RESPECTFULLY SHOWETH:

1. That the petitioner is citizen of India and resident of state of Haryana and thus is entitled to invoke the extraordinary writ jurisdiction of this Hon'ble court under Article 226/227 of the Constitution of India.
2. That the Haryana Urban Development Authority hereinafter called HUDA, was established for undertaking Urban Development in the State of Haryana and for matters ancillary thereto. And had floated one of many

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24173 of 2013

Date of decision:22.9.2014

Sarvesh Kumari

....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Brijender Kaushik, Advocate, for the petitioner.
Ms. Shubhra Singh, DAG, Haryana for respondent No.1.
Mr. Arvind Seth, Advocate for the respondents No. 2 and 3.

HEMANT GUPTA, J.(Oral)

The petitioner has sought a writ of mandamus for allotment of plot No.79, Sector 8, Kurukshetra. An advertisement was published in the year 2001 inviting applications for allotment of residual residential plots in various sectors including Sector 4 and Sector 8. It was also mentioned that draw of lots of such plots was to be held on 29.04.2002.

The petitioner applied for a 10 marla plot in Sector 4, Part-II, Kurukshetra on 21.12.2001 and deposited Rs.36574/- as earnest money. The draw of lots for plots located in Sector 2, 3, 5 and 8 was held on 29.04.2002. The name of the petitioner was considered as an applicant in respect of Sector 8 plot. The petitioner was found successful against plot No.79, Sector 8, Kurukshetra but it was found that the petitioner has not applied for a plot in Sector 8. Therefore, her name was withdrawn from the list of successful applicants. On 05.05.2002, an advertisement was published informing the general public that the draw of lots for the plots in Sector 4

shall be held on 14.05.2002. The name of the petitioner was considered as one of the applicants for allotment of such plots where she was not found successful.

The grievance of the petitioner is that in information under the Right to Information Act, 2005 on 13.09.2011, the petitioner has been informed that draw of lots of plots including Sector 4 was held on 29.04.2002, therefore, the respondents cannot now assert in the reply that draw of lots for Sector 4-II, Urban Estate, Kurukshetra was held on 14.05.2002. We do not find any merit in such an argument. If a wrong information has been given, the petitioner has a right to take action against Public Information Officer, if punishable under law, but in view of the written statement and the record produced, it is apparent that draw of lots for plots situated in Sector 4 was not held on 29.04.2002 but was held on 14.05.2002. The petitioner was considered against the category for which she was the applicant and was not found successful.

In view of the said fact, we do not find any merit in the present writ petition.

Dismissed.

Sd/-
(HEMANT GUPTA)
JUDGE

Sd/-
(KULDIP SINGH)
JUDGE

SEPTEMBER 22, 2014

'D. Gulati'



*DP added
page 2 emue*

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PUNJAB AND HARYANA HIGH COURT