
(2013) 10 P&H CK 0229

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 11081 of 1994

Arjan Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: Oct. 8, 2013

Hon'ble Judges: G.S. Sandhawalia, J

Bench: Single Bench

Advocate: Jaideep Verma, for the Appellant; Vinod S. Bhardwaj, Addl. A.G., Haryana, for the Respondent

Final Decision: Disposed Off

Judgement

G.S. Sandhawalia, J.

Challenge in the present writ petition is to the order dated 02.02.1993 whereby the allotment made to the petitioner by respondent No. 2 was approved at commercial rates. Thereafter, notice dated 14.07.1994 (Annexure P4) was issued wherein the petitioner was directed to deposit a sum of Rs. 23,700/-, within a period of 15 days of the receipt of the notice. Petitioner is in physical possession of House N.5-C/46, N.I.T., Faridabad, measuring 233 square yards which was allotted to him by Ministry of Rehabilitation, Government of India and the deed of conveyance was issued on 19.01.1965. As per the policy dated 28.02.1984, land adjacent to the houses of the allottees was to be transferred to the said persons @ Rs. 50/- per square yard. Accordingly, petitioner paid an amount of Rs. 2600/- for 52 square yards, for the land adjacent to his house @ Rs. 50/- per square yard. However, subsequently, notices were issued wherein the enhanced amount was demanded on the ground that the property was being used for commercial purposes. Accordingly, the writ petition was filed challenging the said demand.

2. In the written statement, filed on behalf of respondents No. 1 to 3, plea taken was that the offer was under the policy dated 28.02.1984 and subject to approval of the competent authority and there was no complete contract and the approval was accorded at commercial rates. A survey committee visited the site on 25.01.1993 and

the petitioner was found using the area in question for shops.

3. Counsel for the petitioner has pointed out that a similar issue has been decided of in a bunch of cases by a Co-ordinate Bench of this Court on 14.08.2013 and the lead case is CWP No. 8212 of 1994 titled Lalita Mehta Vs. State of Haryana & others. A perusal of the said judgment goes on to show that the issue in question is indeed similar. This Court disposed of the writ petitions by allowing the petitioner to make the respective payments alongwith simple interest @ 9% per annum from the date of demand till the date of actual payment in favour of the respondent-Tehsildar(Sales). The claim of the State for payment at the prevalent market rate was rejected. Relevant portion of the order reads as under:

Considering the peculiar facts and circumstances noted above, coupled with the reasons aforementioned, this Court is of the considered view that present writ petitions deserve to be allowed.

Consequently, the impugned orders are set aside. Petitioners shall make their respective payments demanded vide their respective impugned orders in every case, along with simple interest @ 9% per annum, from the date of demand till the date of actual payment in favour of the respondent-Tehsildar(Sales)-cum-Managing Officer, Department of Rehabilitation, Faridabad, Haryana, within a period of 6 weeks from today.

Resultantly, in view of the observations made and directions issued hereinabove, instant writ petitions stand allowed, however, with no order as to costs.

In view of the abovesaid observations, this Court is of the opinion that the issue in the said case is similar to the present case. Accordingly, the writ petition is disposed of in the same terms as CWP No. 8212 of 1994 titled Lalita Mehta Vs. State of Haryana & others decided on 14.08.2013.