

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.W.P NO. 3131 OF 2009
DECIDED ON : 27.02.2009**

Shiv Kumar and another

...Petitioners

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SURYA KANT

Present : None.

SURYA KANT, J. (ORAL)

The petitioners were allotted different plots by the Municipal Council, Sirsa in Auto Market No.1. It appears that on account of non-payment of the installments regularly, the Municipal Council has resumed those plots.

Relying upon an order dated 31.01.2007 passed by the Director, Urban Development Haryana in the case of similarly situated allottee, namely, Prakash Chand whose resumption order was set aside with a direction to the Municipal Council to raise fresh demand from him along with interest @ 15% per annum and restore the allotment of the plot, the petitioners claim that they are also entitled for the similar relief. With a view to strengthen their claim, the petitioners also rely upon an order dated 24.07.2008 passed by the Division Bench of this Court in C.W.P No. 17410 of 2007 (**Mahesh Kumar Vs. State of Haryana and others**) which was also a case of an allottee like

the petitioners and this Court, after approving the decision taken by the Director, Urban Development Haryana, referred to above, restored the allotment of the plot in favour of the petitioner on the same terms and conditions as were imposed by the Director, Urban Development Haryana in the case of Prakash Chand.

The petitioners have, however, rushed to this Court without first raising their claim before the respondent authorities. In these circumstances and without expressing any views on the merits of their claim, I deem it appropriate to dispose of this writ petition with a direction to respondent No.3-Municipal Council, Sirsa to treat this writ petition as a representation on behalf of the petitioners and dispose of the same in the light of order dated 31.01.2007 of the Director, Urban Development Haryana, as well as, the order dated 24.07.2008 passed by this Court in C.W.P No. 17410 of 2007 (**Mahesh Kumar vs. State of Haryana and others**).

The needful shall be done within four months from the date of receipt of certified copy of this order.

Disposed of.

FEBRUARY 27, 2009
shalini

(SURYA KANT)
JUDGE