



CWP No. 20485 of 2021 (O&amp;M)

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2025:PHHC:049849-DB



**In the High Court of Punjab and Haryana at Chandigarh**

CWP No. 20485 of 2021 (O&amp;M)

Reserved on: 28.2.2025

Date of Decision: 09.4.2025

Yashendra Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLE MR. JUSTICE VIKAS SURI**

**Argued by:** Dr. Surya Parkash, Advocate  
for the petitioner  
(through video conferencing).

Mr. Ankur Mittal, Addl. A.G., Haryana,  
Ms. Svaneel Jaswal, Addl. A.G. Haryana,  
Mr. Pardeep Prakash Chahar, Sr. DAG, Haryana.  
Mr. Saurabh Mago, DAG, Haryana,  
Mr. Gaurav Bansal, DAG, Haryana and  
Mr. Karan Jindal, AAG, Haryana  
for the respondent-State.

Mr. Ankur Mittal, Advocate,  
Ms. Kushaldeep Kaur, Advocate and  
Ms. Saanvi Singla, Advocate  
for the respondent-HSVP.

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**SURESHWAR THAKUR, J.**

1. Through the instant writ petition, the petitioner seeks the quashing of the letter dated 13.4.2021 (Annexure P-19), whereby the respondents concerned, have invited applications for two flats of Super Deluxe category, for allotment(s) thereof to the retired/serving Haryana Shehri Vikas Pradhikaran (for short '*the HSVP*') employees. Furthermore, the petitioner also seeks a direction upon the respondent concerned, to implement the order/decision passed by the respondents concerned, in the governing body meeting held on 8.1.2018, wherein, it was decided to allot

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one Super Deluxe category flat, to the petitioner, on availability of very first surplus flat of Super Deluxe category during the re-planning.

**Brief facts of the case**

2. It is averred in the instant petition, that the respondents concerned, got registered a society in the name and style of HUDA, Urban Estate and Town and Country Planning, Scheme-II, Faridabad, Employees Welfare Organization (for short '*HEWO*'). The Memorandum of Organization and Rules and Regulations of the HEWO became published. The respondents concerned, floated various schemes for allotment of the flats/houses to their employees. Vide letter dated 9.2.2005 (Annexure P-2), the respondents concerned, invited applications for enrollment of new members under the 2<sup>nd</sup> scheme of HEWO from the employees of HUDA for allotment of flats at Faridabad. Since at that time, the petitioner was serving as Estate Officer, HUDA-cum-SDO (Civil), Bhiwani, as such, he was eligible for the membership of respondent No. 3, and, hence he applied for a flat in Super Deluxe category, and, on 19.2.2005, deposited Rs. 1,98,500/- as earnest money. It is further averred that on 6.4.2005, respondent No. 3 issued a letter to the petitioner stating therein that he was not eligible for Super Deluxe category flat in the HEWO, Scheme-II, Faridabad, rather was eligible for the Deluxe category. Thereupon, on 12.4.2005, the petitioner wrote a letter to respondent No. 3 to consider him in the category for which he was eligible. On 22.7.2005, respondent No. 3 wrote a letter to the petitioner that he has been declared successful in the draw of lots, held on 18.6.2005 for Deluxe category, and, was allotted Membership No. B-11203. Subsequently on 27.4.2010, the petitioner received another communication by the respondent concerned, stating therein that the petitioner has only got

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membership, and, at that stage, the land of the society was under Forest Act and case is pending before the Hon'ble Supreme Court of India.

3. It is further averred, that in the meantime, the respondent kept on allotting the membership to the employees of HUDA. When the petitioner came to know, he wrote a letter to the respondent concerned on 17.3.2011 that he be also considered in the Super Deluxe category. On 1.4.2011, the respondent concerned, sent reply that the case of the petitioner shall be put in the next meeting of governing body.

4. On 12.2.2014, the respondents concerned, conveyed to the petitioner that an alternate site in Sector-10, Faridabad was allotted to respondent No. 3-HEWO in lieu of the earlier site of Sector-21, Faridabad. Subsequently on 12.1.2015, the respondents conveyed to the petitioner, that a new alternative site in Sector-76, Faridabad, in lieu of site in Sector-10, Faridabad was allotted to respondent No. 3-HEWO. The petitioner sent repeated reminders to put his case in the meeting of governing body. Subsequently, in the meeting of the governing body held on 24.11.2017, the demand of the petitioner was not accepted as no vacancy in the Super Deluxe category was available. It is further averred that from 2009 to 2016, the respondents concerned, allotted Super Deluxe category flats to 11 persons, who even did not apply in response to the advertisement (supra). On 16.8.2011, Super Deluxe category flat became allotted to one Shashi Kant Grover, on his application dated 8.8.2011. Subsequently, in the meeting of the governing body held on 8.1.2018 (Annexure P-16), it was decided that the petitioner was entitled for Super Deluxe category flat, and, as per the re-planning of the Group Housing Society, there was a possibility in increase of number of flats of Super Deluxe category, and, on availability

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of very first surplus flat of the said category, the flat of the petitioner would be upgraded.

5. It is further averred that though as per the decision of the governing body, which became communicated to the petitioner on 12.1.2018 (Annexure P-17), the petitioner was entitled for the first available flat in the above category, however, despite availability of Super Deluxe category flats, the respondents issued a letter dated 13.4.2021 (Annexure P-19) to float such flats for their allotment(s) to the other members/employees of HUDA.

**Submissions on behalf of the learned counsel for the petitioner**

6. The learned counsel for the petitioner submits-

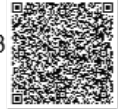
(i) That admittedly, the petitioner applied for the membership of Super Deluxe category flats, and, deposited the earnest money. The petitioner also became the member of the governing body, and, the respondents concerned, have been allotting Super Deluxe category flats to every member of the said governing body, but if one applies for the same. Moreover, admittedly the petitioner is also entitled for the Super Deluxe category flat, but was not allotted the said category of flat rather for want of availability thereof, and, in the meeting dated 8.1.2018, it was decided that on availability of the very first available flat, the same would be allotted to the petitioner. However despite the availability of the surplus flat, the respondents concerned, instead of allotting the same to the petitioner, have floated the same for draw of lots. Therefore, the act of the respondents concerned, is discriminatory, arbitrary and illegal.

(ii) That since on 14.9.2021, the respondents concerned, took a decision to consider the petitioner and one Sudhir Singh Chauhan in the draw of lots for allotments to them of Super Deluxe category flats.

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However, the respondents concerned, have declined to consider the petitioner for allotment of the said flat rather owing to the pendency of the instant writ petition before this Court. Therefore, the petitioner has been non-suited by the respondents only because of the pendency of the present writ petition.

(iii) That from the building plan dated 31.8.2018 as well as enrollment letter of 2005, it is evident that in the apposite re-planning, the number(s) of the Super Deluxe category flats became increased from 64 to 65. Therefore, the plea of the respondents that there was no increase of Super Deluxe category flats, becomes falsified.

7. Therefore, it is prayed that the impugned letter dated 13.4.2021 (Annexure P-19) be quashed and set aside.

**Joint submissions on behalf of the learned State counsel and of the  
learned counsel for the HSVP**

8. The learned State counsel as well as the learned counsel for the respondent-HSVP submit-

(i) That the instant petitions filed by the petitioner(s) claiming relief against the respondent society is not maintainable, thus on the ground that the respondent society is not covered within the definition of the 'State' as provided under Article 12 of the Constitution of India. Moreover, the respondent society is a registered society which was formed for the welfare of the employees of HUDA (now HSVP), Urban Estate and Town and Country Planning Department, and, as per the Memorandum of Association and Rules and Regulations, its primary objective is to serve the welfare of its members.

(ii) That the respondent society had floated three schemes till

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date, commencing from 1990, with the personal contributions of the members, and, that no sort of grant was taken either from the Government or from any of its bodies’.

(iii) That the respondent concerned, has been allocated land in complete alignment with the standard allotment guidelines that, apply uniformly to all the recipient(s), and, no special or preferential treatment has been extended to the respondent society.

(iv) That while acting as the members of the governing body, the officials concerned, were not discharging any public/government duty, rather they were only acting as member(s) thus in the dischargings of their functions in accordance with rules and regulations, but appertaining to the society alone.

(v) That the HSVP has allotted 18 sites to the respondent concerned on the same pattern whereons the sites became allotted to other group housing societies, and, no special preference has been given to the present society while making allotments.

(vi) That all the members of HEWO governing body, hold their positions ex-officio by virtue of their post/designation in various organization(s), and, the said ex-officio members do not exercise decision making powers as IAS/HCS officers.

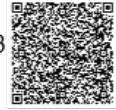
**Inferences of this Court**

9. Though, the society nomenclatured as HEWO, is a society registered under the Societies Registration Act, 1860, whereby any dispute relating to the subjects embodied in the bye-laws, memorandum of association or in the appositely drawn charter delineating the objects and purposes of the society, but would be resolvable through the remedy of

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arbitration, as envisaged in the Haryana Registration and Regulation of Societies Act, 2012, thus becoming resorted. Therefore, the remedies envisaged therein for resolving the subject disputes were to be resorted by the aggrieved from the subject matter involved in the instant writ petition.

10. However, since public properties are involved in the instant writ petition, thereby even in the exercise of writ jurisdiction, this Court becomes empowered to engage itself in the process of fathoming, whether transparency and the rule of fairness and reasonableness becomes adhered to by the respondent concerned.

11. The instant petition is not a public interest litigation, whereby a challenge is made to the registration of society, whereby to the members of the said society, the subject lands become allocated by the HSVP. The relevant allotments become contemplated to be made in terms of the relevant memorandum of organization (Annexure P-1), whereby a privilege becomes conferred upon the members of the society, to seek allotment of the plots registered in the name of the society. Resultantly, this Court is not required to be either adjudging the purpose of the registration of the society, nor is required to be adjudging whether any public property which otherwise is required to be distributed to all concerned, rather even to those who are not the members of the society, thus has been purportedly distributed in an unreasonable and unfair manner.

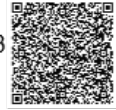
12. Be that as it may, the scope of the instant petition is limited to the extent that though, the petitioner despite his purportedly being entitled to a Super Deluxe Category flat, given his being an ex-member of the governing body, yet the respondent concerned, through the impugned letter dated 13.4.2021 (Annexure P-19), contents whereof become extracted



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hereinafter, thus inviting applications for allotment of two flats of Super Deluxe Category rather being made to the retired/serving employees of the HSVP.

*“It is brought to the notice of all serving and retired employees of HSVP, Urban Estate and Town and Country Planning Department that cancelled membership of flats have been floated at GH Site, Sec 19 and GH-20, Sec-21D, Faridabad vide this office letter No./HEWO/2021/9820 dated 13.4.2021. The category, number of flat and detailed terms and conditions for submitting application are mentioned in the aforesaid letter. The above said circular letter has also been hosted on website of HSVP i.e. [www.hsvphry.org.in](http://www.hsvphry.org.in) at HEWO page. The eligible employees can apply in this office in accordance with circular upto 17.5.2021.”*

13. Furthermore, the petitioner also seeks the implementation of the minutes of the meeting of the governing body of HEWO held on 8.1.2018. The relevant portion of the said minutes of meeting become(s) extracted hereinafter.

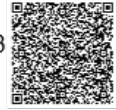
***“Suppl Agenda Item No. 1***

***Request from the officers of HUDA, Urban Estate and Town and Country Planning Department of membership and allotment of flat of HEWO-enrolment of new members.***

*When the supplementary Agenda No. 1 was taken up Dr. J. Ganesan, IAS, Chief Administrator, HUDA-cum-Chairman HEWO did not participate in the discussion of this agenda.*

*The other members of the Governing Body noted that Sh. Vikas Gupta, IAS the then Chief Administrator, HUDA-cum-Chairman HEWO has not accepted the offer of Super Deluxe flat in HEWO Scheme-II, Faridabad and not deposited the called amount within a period of 60 days. Consequently, 1 Super Deluxe flat become available in this scheme. Therefore, it was observed that Dr. J. Ganesan, IAS, Chief Administrator, HUDA-*





*cum-Chairman HEWO is eligible for Super Deluxe category flat as per his grade pay. Therefore, membership of Super Deluxe category flat may be allocated in HEWO Scheme-II, Faridabad to Dr. J. Ganesan, IAS, Chief Administrator, HUDA-cum-Chairman HEWO.*

*“Further, Sh. Yashendra Singh, HCS, Administrator, HUDA, Faridabad also stated that he has given representation time and again for upgradation of his membership from Deluxe to Super Deluxe category flat. The matter was examined by the Governing Body and found that according to basic pay norms he was not eligible for Super Deluxe flat in HEWO Scheme-II, Faridabad in the year 2005 and the same was conveyed to him vide letter No. 2366 dated 06.04.2005. Now it has been observed that he is eligible for Super Deluxe category flat as per his basic pay. Further as per zoning of GH Site Sec-19 and GH-20, Sec-21, Faridabad, (total land 5.01 acres) has been allotted instead of 5 acres. There is a possibility of increase in numbers of flats during re-planning and decided that his membership may be upgraded from Deluxe to Super Deluxe category on availability of very first surplus flat in Super Deluxe category during re-planning, being a member of Governing Body.”*

14. A reading of the reasons, which become incorporated in the minutes of the meeting appertaining to Supplementary Agenda No. 1, do reveal, that the present petitioner was not found eligible for the allotment of the Super Deluxe Category flat in the year 2005, but thereafter he was found to be eligible for the allotment of Super Deluxe category flat as per his basic pay. It is also *ex facie* apparent on a reading of the supra extracted minutes of the meeting, that as and when there would be an increase in the number of flats appertaining to the Super Deluxe category flats, thereupon if the present petitioner acquired the eligibility criteria, thereupon he would be considered for allotment thereof.

15. Since the said reasons are anived on the factum, that initially

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the present petitioner was not found eligible for the Super Deluxe category flat, as then he did not thus acquire the basic pay/norms. However, in the meeting (supra) the petitioner was found eligible for allotment of Super Deluxe category flat and his membership was decided to be upgraded from Deluxe to Super Deluxe category but on availability of the very first surplus flat in Super Deluxe category during re-planning, given his being a member of the governing body.

16. Furthermore, the petitioner has also sought the quashing of the impugned letter dated 13.4.2021. However, a perusal of the reply filed on behalf of the respondent concerned, reveals, that in the meeting of the governing body held on 16.10.2020/22, it was decided to float flats amongst cancelled membership thus amongst the serving, retired and spouse(s) of deceased employees of HEWO. Therefore, vide the impugned letter/advertisement, the apposite flats became circulated amongst the HEWO members. Subsequently, the agenda regarding applications for upgradation from lower to higher category flat of HEWO Scheme-II, Faridabad, was discussed in the meeting of the governing body held on 14.9.2021, wherein, it was decided that the present petitioner and one Sudhir Singh Chauhan, STP will be considered in the draw against one available floated flat, and, it was also decided to seek their consent with the requisite money so as to consider their names in the draw of lots.

17. Pursuant to the said decision, the respondent-HEWO vide letter No. 10093 dated 17.9.2021 requested the petitioner to give his consent along with the requisite money of Rs. 3,97,000/- for Super Deluxe flat, so that his name becomes considered in the draw of lots within 15 days, as thereby his being kept at par with the other applicants. To the supra, the petitioner

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submitted his consent along with demand draft of Rs. 3,97,000/-.

18. However, as per the decision taken in the governing body supra meeting dated 8.1.2018, the flat of the petitioner was to be upgraded during re-planning on availability of very first surplus flat in Super Deluxe category his being a member of the governing body, but since re-planning was not done at that time, therefore, the number of the flats was not increased.

19. The supra reason is but fallible on the ground, that once in the meeting held on 8.1.2018, it was decided that since the present petitioner acquires the pay norms, thus for therebys his being entitled to allotment of Super Deluxe category flat. Moreover, since it was also decided in the supra meeting that as and when the number of flats falling in the Super Deluxe category, thus becomes increased, on the happening of the relevant re-planning, therebys the petitioner's claim would be considered.

20. Enigmatically, the said decision has been violated, and, that too on the above flimsy reason, which is completely contradictory to the facts, which are existing on record, facts whereof reveal, that despite there being an increase in the number of Super Deluxe category flat, thus at the relevant time, besides the petitioner acquiring the pay norms eligibility, yet the espoused allotment not being made to him..

21. Though therebys, the present petitioner is entitled to the writ relief but since the subject allotment has already taken place, therebys this Court does not deem it fit and appropriate to disturb the equities. However, the amount furnished as earnest money, by the petitioner, be forthwith refunded to him along with interest accrued thereons @ 8% per annum. Moreover also, compensation comprised in a sum of Rs. 5.00 lacs be also paid to the present petitioner by the respondent concerned, thus for the pain



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and agony encumbered upon him.

22. Furthermore, it is also directed that as and when on account of replanning, there is an increase in the number of Super Deluxe Category flats, thereupon the present petitioner shall, in accordance with law, become considered for allotment thereof but after all the codal formalities becoming completed. The said replanning be forthwith carried out, and, also the number of flats falling in the category of the present petitioner, be also forthwith increased.

**Final order**

23. In aftermath, with the afore observations, the instant petition stands disposed of.

24. The miscellaneous application(s), if any, is/are also disposed of.

**(SURESHWAR THAKUR)**  
**JUDGE**

**(VIKAS SURI)**  
**JUDGE**

**April 9<sup>th</sup>, 2025**  
**Gurpreet**

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**