

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

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CWP-10940-2018

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Date of Decision: 03.05.2018

BALDEV RAJ

....Petitioner(s).

Versus

**PRINCIPAL SECRETARY, GOVERNMENT OF HRYANA AND
ORS.**

....Respondent(s).

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J.

This petition impugns resumption order/endorsement dated 21.12.2000 (Annexure P-5), letter of resumption dated 11.01.2001 (Annexure P-6) as well as orders dated 30.08.2005 (Annexure P-7) and 06.06.2017 (Annexure P-11) whereby his appeal and revision thereagainst have been dismissed.

2. The petitioner is stated to have been re-allotted booth bearing No.37, Sector 31, Urban Estate Gurgaon on 27.11.1997 vide re-allotment letter No.3631 dated 27.11.1997 issued by respondent No.3 and letter bearing No.3632 dated 27.11.1997, wherein the conditions of the re-allotment were set out. Copies of these letters are annexed as Annexures P-1 and P-2 respectively.

3. Respondent No.3 issued show cause notices dated 05.11.1998 and 17.10.2000 under Sections 17(1) and 17(2) of the Haryana Urban Development Authority Act, 1997 (hereinafter referred to as 'the HUDA Act') to petitioner for payment of

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installments along with penalty amount. Copies of show cause notices have been annexed as Annexure P-3 collectively. Petitioner was sent another show cause notice under Section 17(3) of the HUDA Act on 17.11.2000 as he had failed to pay the outstanding amount along with penalty and he was given an opportunity to show cause within a period of 30 days as to why his site be not resumed. Copy of the show cause notice dated 17.11.2000 is annexed as Annexure P-4. Another notice under Section 17(4) of the HUDA Act was issued to the petitioner on 06.12.2000 for affording him another opportunity of hearing in person on 21.12.2000. The notice of resumption was passed on 11.01.2001 for non-deposit of the installment and 10% of the price of the plot was forfeited. A copy of the resumption order has been annexed as Annexure P-6. Petitioner preferred appeal which was dismissed by the order dated 30.08.2005 which is annexed as Annexure P-7. Revision petition preferred thereagainst had been dismissed vide order dated 06.06.2017 (Annexure P-11).

4. Learned counsel for the petitioner has contended that the petitioner represented to the respondents on the ground that he was not afforded opportunity of hearing and the orders of resumption had been passed illegally. He had also expressed his willingness to pay the installments with interest but respondent No.1 dismissed the representation including revision petition on 06.06.2017 on the ground of delay and laches.

5. We have heard learned counsel for the petitioner.

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6. The re-allotment of the plot was made on 27.11.1997.

The schedule of payments which was mentioned in the letter of allotment is set out hereunder:-

S. No.	Due Date	Amount	
		Rs.	P.
1	27-11-97	116137/-	50
2	27-05-98	116137/-	50
3	27-11-98	116137/-	50
4	27-05-99	116137/-	50
5	27-11-99	116137/-	50
6	27-05-2000	116137/-	50
	27-11-2000	116137/-	50
	27-05-2001	116137/-	50
	27-11-2001	116137/-	50
		116137/-	50
(Subject to offer of possession)			

7. The petitioner did not make any payment after the initial deposit. In case, the petitioner had a genuine grievance as pleaded by him, including the illness of his mother, then it was incumbent upon him to at least write to the respondents in this regard and seek extension of time. However, he has made no such request and repeatedly defaulted in payments. The schedule of payment was set out in the allotment letter itself.

8. It is significant to note that the instant petition has been preferred through special power of attorney of the applicant Baldev Raj, who had been re-allotted the plot in the year 1997. Several notices had been issued to the petitioner by the respondents calling upon him to make the payment of the outstanding amount

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along with penalty but the petitioner chose not to make the payment.

9. Consequently, we do not find any merit in this petition, which stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

03.05.2018

SwarnjitS

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO