

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

CWP No.10918 of 2015 (O&M)

Date of Decision: 14.12.2015

Yadwinder Pal Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Present: Mr. Man Mohan, Advocate for the petitioner

Mr. KK Gupta, Addl. AG Punjab

Mr. PKS Gill, Advocate for respondent No.3

SURYA KANT, J. (Oral)

(1) The father of the petitioner participated in an open auction held on 06.04.1972 and being the highest bidder, the booth site No.15 in New Grain Market at Amloh, District Fatehgarh Sahib was allotted to him on 10.08.1972. The second instalment of ₹588.80 fell due on 10.08.1973. The petitioner's father did not deposit that instalment. He was served with a notice on 08.10.1973 to deposit the due instalment with penalty within 30 days but he failed to do so.

(2) The allotment was finally cancelled and the site was resumed vide order dated 11.06.1975 (P6). It is averred in the above-stated order as well as written statement filed by respondents that before resuming the site, a show cause notice by

way of a registered post was also served on the allottee on 24.01.1975 calling upon him to deposit all the dues failing which the action to resume the plot and forfeit the amount already paid would be taken. The said notice was acknowledged by the allottee but no reply was filed. It was in these circumstances that the site was resumed.

(3) The petitioner's father took no action against the resumption order till he died on 17.01.2015. Suddenly, the Market Committee, Amloh (Fatehgarh Sahib) issued a letter dated 04.03.2015 (P2) asking the petitioner to deposit ₹2790/- towards balance amount of sale consideration of booth No.15 which was allotted to his father in the year 1972. The petitioner without any waste of time deposited the said amount. Having realized their mistake, the authorities vide letter dated 07.04.2015 returned that amount informing the petitioner that the booth No.15 stood resumed way back on 11.06.1975.

(4) The illegitimate hope for revival of the obsolete and dead allotment merely on the strength of a mistake committed by the office of Market Committee Amloh (may be motivated) has prompted the petitioner to approach this Court claiming that his father was not heard before resuming the site and the same is liable to be restored in his favour.

(5) As the facts would speak for themselves, the petitioner's plea is totally false. It was a case where the allottee

was repeatedly informed and asked to deposit the due instalments but not a single instalment was paid by him. The principles of natural justice were duly observed as the show cause notice was served by registered post before resumption of the site. The communication dated 04.03.2015 sent by Market Committee to the petitioner neither revives the cause of action nor it amounts to the renewal of offer which was made, accepted and then cancelled way back in the years 1972-75.

(6) The writ petition is devoid of any merit and is accordingly dismissed.

(Surya Kant)
Judge

14.12.2015
vishal shonkar

(P.B. Bajanthri)
Judge