

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

CWP-1557-2015 (O&M)
Date of decision:- 06.10.2015

Chalti Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Varun Gupta, Advocate,
for the petitioner.

Mr. Rahul Dev Singh, Deputy Advocate General, Haryana,
for respondent No. 1.

Mr. R.K. Sheoran, Advocate,
for respondents No. 2 to 4.

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S.J. VAZIFDAR, A.C.J.

The petitioner has sought a writ of mandamus directing the respondents not to resume a plot which had been allotted to her.

2. The impugned order is passed on the basis that there was a five days' delay in the payment of an amount of ₹ 27,986/-. The plot was allotted on 04.08.2003 on the terms and conditions contained in an allotment letter. The petitioner paid the first amount of ₹ 18,657/- on time. Under clause 5, the sum of ₹ 27,986/- was to be paid within 30 days i.e. by 04.09.2003. The same was admittedly paid on 09.09.2003. The allotment letter, though dated 04.08.2003, was received by the petitioner only later. In any event, a delay of five days in the facts and circumstances of this case could not justify an order of cancellation of the allotment. After accepting the amount, the respondents in fact offered possession of the plot on 17.07.2009. The petitioner had also paid an amount of ₹ 99,000/- towards the part payment of

the balance amount which was accepted by the respondents. However, by the impugned order this amount was sought to be returned alleging that it was wrongly paid by the petitioner and wrongly accepted by one of the officers of the respondents. The impugned order reiterated that the only reason for cancellation of the allotment was the delay in payment of 15 per cent of the said amount, namely, the sum of ₹ 27,986/-. The petitioner, however, has not encashed the cheque of ₹ 99,000/- which was sought to be returned under cover of this letter.

3. In these circumstances, the impugned order is quashed and set aside. The respondents shall place the petitioner in possession of the plot as per the allotment letter dated 04.08.2003. The balance amount shall be payable by the petitioner without interest within four weeks of the demand for the same in writing being served upon the petitioner.

This order shall be complied with by 30.11.2015.

4. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

06.10.2015
Amodh