

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO.17657 of 2015

DATE OF DECISION: AUGUST 25, 2015

Rohit Kumar son of Darshan KumarPetitioner

Versus

State of Haryana and othersRespondents

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

Present: Mr.SK Sharma, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

The petitioner assails the orders passed by the Chief Administrator, Haryana Urban Development Authority (for short 'HUDA') as also the revisional authority i.e. the Principal Secretary, Town and Country Planning Department, Haryana whereby his claim for allotment of a four marla residential plot has been rejected.

2. A plot measuring four marlas in Sector 40, Gurgaon was offered for allotment to the petitioner under the discretionary quota vide memo dated 11.3.1996 and he was called upon to deposit 25% cost of the plot within 30 days from the issuance of the letter. Such deposit was made on 1.5.1996 i.e. after a delay of four days. Allotments under the discretionary quota came to

be challenged before this Court and in terms of judgment dated 21.3.1997 delivered by a Full Bench in the case titled as “**Anil Sabharwal v. State of Haryana**”, the allotments were held to be bad in law. A limited relief was, however, provided pertaining to allotments of smaller plots measuring 2 to 6 marlas. A Review Committee having been formed by HUDA, decision was taken to regularize such allotments upto the size of four marlas. A letter dated 10.6.1999 is stated to have been issued to the petitioner to contact the Estate Officer concerned so as to get the allotment under the discretionary quota regularized. It is averred that the petitioner did not respond to such communication dated 10.6.1999 on the pretext that he never received the same. HUDA is stated to have then issued a circular dated 2.6.2006 containing the policy for condonation of delay in the discretionary quota allotments.

3. A representation dated 18.2.2008 was made on behalf of the petitioner for issuance of a regular allotment letter of four marlas plot under the discretionary quota in the light of the initial offer vide memo dated 11.3.1996 and the matter having been pursued has finally culminated in the passing of the impugned order dated 30.9.2014 at Annexure P18.

4. Perusal of the impugned order would reveal that apart from the initial four days' delay that had occurred in making good the 25% deposit towards cost of the plot, inordinate delay of almost 12 years in terms of filing a representation only on 18.2.2008 on behalf of the petitioner seeking regular allotment has weighed heavily with the competent authority in declining the

petitioner's claim. The delay of almost 18 months even after issuance of circular dated 2.6.2006 has been noticed. It has also been recorded that even the representation dated 18.2.2008 had been moved not by the petitioner himself but by his General Power of Attorney holder, namely, Sunil Kumar.

5. We are of the considered view that the rejection of the claim of the petitioner is founded on a valid and cogent reasoning. Even assuming that the communication dated 10.6.1999 issued by the respondent-Authorities had not been received by the petitioner as regards regularizing allotment of the plot in question, still no explanation is forthcoming as to why the petitioner kept quiet all through and upto 18.2.2008 i.e. the date a representation was moved at the hands of a General Power of Attorney holder. Even otherwise, it was only an offer of allotment that was made to the petitioner in the year 1996. There was no vested right for allotment that had come to vest in him. No document has been adverted to show that policy regarding allotment of discretionary quota plots is still in operation. Acceptance of the prayer made by the petitioner would amount to putting premium on a purely speculative activity. No basis for interference under Article 226 of the Constitution of India is made out.

6. Petition is dismissed.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

AUGUST 25, 2015
SRM

Note: Whether referred to Reporter? (Yes/No)