

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.18904 of 2014 (O&M)

Date of decision:02.09.2015

Mohinder Pruthi

... Petitioner

v.

State of Haryana & others

... Respondents

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

Present: Mr. Vikram Singh, Advocate for the petitioner.
Mr. Deepak Balyan, Additional Advocate General, Haryana.
Mr. Padamkant Dwivedi, Advocate for HUDA.

...

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner was allotted commercial premises in favour of a third party on 26.03.2004. The petitioner is the successor in interest. Admittedly, between the original allottee and the petitioner 25% initial amount was paid. The resumption order was passed on 01.12.2005 and at that time only two installments were due. Subsequently, during the pendency of this writ petition, the entire amount has been paid.

2. The Appellate Authority in the circumstances prevailing at that stage found the order of resumption to be harsh and directed the order of cancellation to be quashed upon the petitioner paying the entire amount. Costs of Rs.25,000/- were also imposed. These costs have also been paid by the petitioner.

3. The respondents filed a revisional application. The Revisional Authority allowed the revision and upheld the order of resumption.

Considering the facts of the case, there was no warrant for the Revisional Authority to interfere with the exercise of discretion by the Appellate Authority. The exercise of discretion in the facts and circumstances of this case cannot be said to be perverse or irrational.

4. In these circumstances, the impugned order is set aside. If any amount is still due and payable by the petitioner, the petitioner shall pay the said amount within a period of two weeks of being informed in writing by the respondents.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

02.09.2015
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