

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.20633 of 2014 (O&M)

Date of decision:31.08.2015

Bala Rani

... Petitioner

v.

HUDA & others

... Respondents

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

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Hemant Sarin, Advocate for the petitioner.

Mr. R.S. Longia, Advocate for the respondents/HUDA.

...

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner was allotted a plot of land by an allotment letter dated 06.01.2012. A sum of Rs.7,27,618/- was to be deposited within 30 days from the date of issue of the allotment letter towards 25% of the consideration. On 04.02.2012, a sum of Rs.6,75,000/- was deposited. The shortfall was only about Rs.55,000/- which was on account of an inadvertent calculation error. The balance amount was paid by 19.07.2012.

2. By an order dated 09.06.2012, the respondents rightly condoned the delay in the payment of this balance amount of about Rs.55,000/-. However, while doing so, the respondents imposed a condition that the petitioner would not transfer the plot for a period of 5 years under any circumstances from the date of restoration and directed the condition to be added in the letter of allotment.

3. The respondents did not have the power to impose such a condition especially in the facts and circumstance of the present case. There

was in fact no deliberate delay on the petitioner's part in depositing the balance amount. Out of the sum of Rs.7,27,618/-, a sum of Rs.6,75,000/- was deposited in time. There is nothing to suggest that the balance amount of about Rs.55,000/- was not paid for any extraneous reasons. Further the shortfall was paid along with penal interest. The same was accepted without objection.

4. Under the circumstance, the imposition of the condition is set aside. The allotment shall stand as per the original letter of allotment.

The Writ Petition is, accordingly, disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

31.08.2015
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