

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.20434 of 2015 (O&M)

Date of Decision:24.09.2015

Hari Ram

... Petitioner

v.

The Chief Administrator, HUDA & others

... Respondents

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

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Arun Walia, Senior Advocate with
Mr. Servendaman Rathore, Advocate for the petitioner.

....

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner claims to have been allotted or claims to be entitled to the allotment of Plot No.731, Sector 46-1, Faridabad pursuant to a draw of lots. In CWP No.13331 of 1991-Baldev Raj Khurana & others v. HUDA & others, the parties had agreed that the said Plot No.731 would be handed over to the petitioners therein. The petitioner before us admittedly was not a party to that writ petition. He, therefore, moved an application for modification of that order by filing CM-11061-62-CWP of 2015 in that writ petition as his rights were effected by the said order. That application was disposed of by another Division Bench by the following order:

'CM Nos.11061-62-CWP of 2015

Since at no point of time allotment with regard to plot No.731, Sector 46-1, Faridabad, has been issued in the name of the applicant, therefore, the applicant does not want to press these applications with liberty to pursue the authorities for alternative allotment of the plot which was originally allotted to him.

Dismissed as withdrawn with the aforesaid liberty."

The petitioner did not merely withdraw the writ petition. The petitioner stated that he did not want to press the application. The only liberty sought was to pursue the authorities for an alternative plot and not the said Plot No.731.

In the circumstances, it is not possible to consider the petitioner's application for release of the same plot which he chose not to pursue.

The writ petition is accordingly dismissed. Petitioner's remedy is as per the liberty granted by the said order dated 28.08.2015.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

24.09.2015
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