

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

**CWP No.2422 of 2014(O&M)**

**Date of decision:20.1.2015**

**Kamaljit Singh Nagra**

**....Petitioner**

**VERSUS**

**State of Haryana and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA**

**HON'BLE MR. JUSTICE HARI PAL VERMA**

Present: Mr. Alok Mittal, Advocate for the petitioner.

Mr. P.K. Jangra, Additional Advocate General, Haryana  
for respondent No.1.

Mr.Arun Walia, Senior Advocate with  
Mr. Servedaman Rathore, Advocate  
for respondent No.2 and 3.

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**HEMANT GUPTA, J.(Oral)**

The claim of the petitioner in the present writ petition is for issuance of writ of certiorari for quashing the order dated 12.09.2013 whereby the representation of the petitioner against the resumption of industrial plot was declined by the Principal Secretary to Government Haryana, Town and Country Planning and Urban Estates Departments.

A perusal of the pleadings shows that the petitioner was allotted Industrial Plot No.280, Phase II, Panchkula on 05.07.1995. The petitioner, instead of commencing commercial production of the products as per his project report, permitted activities like assembling and repair of batteries and other small manufacturing activities which were not permissible. A show cause notice was served upon the petitioner under Section 17(3) of the Haryana Urban Development

Authority Act, 1977 (for short 'the Act'). Subsequently, the petitioner was granted time to remove the misuse and to start production as per the approved project. Since, the petitioner failed to comply with the conditions of allotment and to stop the misuse, an order of resumption was passed on 05.05.2006. Appeal against the said order was allowed by the Administrator with a direction that petitioner would start production on the plot as per approved project within six months on payment of penalty. Aggrieved against the order of imposition of penalty vide order passed by the Administrator, the petitioner filed a revision petition under Section 17(8) of the Act. The said revision was decided on 18.09.2012. Thereafter, petitioner filed a writ petition bearing CWP No.1413 of 2013 titled Kamaljeet Singh Nagra v. State of Haryana and others, which was withdrawn on 11.03.2013 when the following order was passed:-

“Learned counsel, on instructions from the petitioner who is present in court, states that the petitioner may be permitted to withdraw this petition with liberty to approach the authorities by making representation regarding his grouse made in this petition. Dismissed as withdrawn with the aforesaid liberty.”

It is thus apparent that the petitioner has permitted the order of resumption proceedings to attain finality. The petitioner did file a representation after the order was passed by this Court which has since been decided by the representative of the State Government on 12.09.2013. It has been noticed that petitioner could not point out the provision of law under which this representation can be entertained. It has also been noticed that the misuse is still going on at the site on the basis of which revision petition was dismissed by the Revisional Authority on 18.09.2012. In view thereof, the representative of the

State Government found that there is no reason to disagree with the detailed order of the Revisional Authority passed on 18.09.2012.

When the writ petition came up for hearing before this Court on 10.02.2014, the Bench issued notice of motion on the limited question as to whether the same can be re-allotted to the petitioner at the current allotment price. A categorical reply in the written statement was that the site cannot be re-allotted to the petitioner as there is no provision or scheme for such re-allotment.

Once the resumption order has attained finality after the petitioner has withdrawn the writ petition, the representative of the State Government could not review the order so as to set aside or modify the order earlier passed by the Revisional Authority. In the absence of any policy of allotment of site resumed, the prayer of the petitioner for re-allotment at the current market price does not merit acceptance.

Consequently, we do not find any merit in the present writ petition.

Dismissed.

**(HEMANT GUPTA)**  
**JUDGE**

**JANUARY 20, 2015**  
‘D. Gulati’

**(HARI PAL VERMA)**  
**JUDGE**