

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 25981 of 2014

Date of Decision: 20.08.2015

Antariksh Telecom Cables

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

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

Present: Mr. A.S.Gulati, Advocate
for Mr. A.S.Sullar, Advocate
for the petitioner(s).

Mr. Deepak Balyan, Additional Advocate
General, Haryana for respondent No.1.

S.J. Vazifdar, J.

1. The petitioner is aggrieved by an order of resumption passed by the respondents. Learned counsel for the petitioner, *inter-alia*, relies upon an order passed by the Appellate Authority in an appeal under Sections 17(8) & 30 of the Haryana Urban Development Authority Act, 1977 (hereinafter referred to as "the Act") in respect of another party. He contends that on parity of reasoning, the petitioner also ought to be granted the same facility as was granted to that party and on the same terms & conditions.

2. It is not possible in this writ petition to ascertain whether the facts and circumstances of both the cases are identical or not. The

matter ought to be first decided by the Appellate Authority as was done in the other case. The petitioner can always rely upon the order passed in the appellate proceedings.

3. The petitioner initially approached the Consumer Court and thereafter, this Court. Considering the facts and circumstances of the case, it appears that the petitioner bonafide proceeded before the Consumer Forum and before this Court. It is not that we cannot entertain this writ petition but we have decided to relegate the petitioner to the alternate remedy before the Appellate Authority in the first instance. We are sure that the Appellate Authority will take these aspects into consideration in considering the petitioner's application for condonation of delay in filing the appeal, provided that the petitioner files an appeal within four weeks from today.

4. This writ petition is, accordingly, disposed of.

(S.J.Vazifdar)
Acting Chief Justice

(Tejinder Singh Dhindsa)
Judge

August 20, 2015
"DK"