

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

CWP No.27003 of 2014

Date of decision:2.2.2015

Dalip Singh Sohal

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sameer Sachdeva, Advocate for the petitioner.

Mr. P.S. Bajwa, Additional Advocate General, Punjab for
respondent No.1.

Mr. Sanjeev Patiyal, Advocate for respondents No.2 to 4.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to an order dated 27.08.2013 (Annexure P-7) and the communication dated 05.12.2013 (Annexure P-10) whereby an application for recall of the order dated 27.08.2013 was declined.

The petitioner was allotted a residential plot in Phase XI, S.A.S. Nagar Mohali. On account of the alleged misuse, the said plot and the building constructed thereon was resumed on 13.09.2010 (Annexure P-1). The appeal against the said order was dismissed on 02.02.2011 (Annexure P-2).

The petitioner filed a Revision under Section 45(8) of the Punjab Regional and Town Planning and Development Act, 1995. Such revision petition was dismissed when none appeared on behalf of the petitioner on 27.08.2013 (Annexure P-7). It is thereafter, the petitioner submitted a representation and also an application for

restoration of the revision, which was declined on 05.12.2013 (Annexure P-10). The request was declined for the reason that the it does not have any power to pass an order of restoration of revision. It is thereafter, the petitioner has invoked the writ jurisdiction of this Court.

The petitioner has pointed out that the revision petition was filed through an Advocate and unfortunately he died. The petitioner was not aware of the date of hearing fixed by the Revisional Authority. Therefore, the petitioner could not make himself present at the time of hearing of the revision petition.

Keeping in view the facts and circumstances explained by the petitioner, we deem it appropriate to set aside the order dated 27.08.2013 (Annexure P-7) and restore the revision petition to its original number. The Revisional Authority shall decide the revision petition on merits in accordance with law.

The Revisional Authority shall serve notice upon the petitioner and also to the counsel for the writ petitioner before this Court of the date of hearing fixed by it.

The present writ petition is disposed of accordingly.

(HEMANT GUPTA)
JUDGE

FEBRUARY 2, 2015
‘D. Gulati’

(HARI PAL VERMA)
JUDGE