

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

LPA No. 195 of 2015 (O&M)

DATE OF DECISION : 24.09.2015

State of Haryana and others

.... APPELLANTS

Versus

Veer Bhan

.... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Lokesh Sinhal, Addl. A.G., Haryana,
for the appellants.

Mr. Shiv Kumar, Advocate,
for the respondent.

* * *

SATISH KUMAR MITTAL, J. (Oral)

The State of Haryana and its officers have filed this intra-court appeal under Clause X of the Letters Patent against the order dated 07.09.2012 passed by the learned Single Judge disposing of the writ petition (CWP No. 13677 of 1994) filed by Veer Bhan (respondent herein). The said order reads as under :-

“By filing this writ petition, a prayer has been made to quash an order dated 8.4.1994 (P/3) vide which the petitioner was directed to deposit an amount of ₹ 36,210/- along with interest, for change of land use from residential to commercial.

It is stated at the bar that some part of the property was used as residential purpose and for the remaining portion, a

prayer was made for using it for commercial purpose. However, without any justification the authorities have demanded above exorbitant amount.

At the time of hearing, counsel for the petitioner states that now the petitioner is ready to deposit the above amount with interest as may be calculated by the respondent/ authorities.

Mr. Randhir Singh, Additional Advocate General, Haryana has raised no object to the prayer made.

Under the circumstances, this writ petition is disposed of giving liberty to the petitioner to deposit the amount assessed vide order dated 8.4.1994 (P/3) along with interest, as may be calculated by the authorities within two months. The petitioner shall approach the officer concerned with the above proposal, who shall calculate the interest amount and thereafter, the petitioner shall deposit the same.”

There is long delay of 834 days in filing the appeal and the appellants have filed application (CM No. 370-LPA of 2015) for condoning the said delay.

After hearing learned counsel for the parties and going through the contents of the said application, which is duly supported by an affidavit, we are of the opinion that the explanation given by the appellants for condoning the long delay of 834 days in filing the appeal is not satisfactory and we are not inclined to condone the said delay in filing the appeal.

Even otherwise, a perusal of the impugned order makes it clear that the order was passed on the basis of concession and against such an

order, no appeal is maintainable. Still further, vide letter dated 14.09.1987 (Annexure P-2), the vacant land adjoining to the house of the respondent, which was in his possession since long time, was offered to him as a residential area, assessing its value at the rate prescribed in the Policy dated 28.02.1984 (Annexure P-1). After more than six years, a demand of ₹ 36,210/- was made by the appellants on the plea that the said land was being used for commercial purposes also, therefore, as per the condition of the offer letter, the respondent was liable to pay the said amount.

The respondent challenged the said demand by filing the aforesaid writ petition. When the writ petition came up for hearing, learned counsel for the respondent prayed that the respondent is ready to deposit the said amount with interest. Learned counsel for the appellants did not raise any objection to the said prayer. Consequently, the writ petition was disposed of, while passing the order, as re-produced above.

In view of the above, neither legally nor under equity, the appellants have any case of interference in the impugned order. Hence, the application (CM No. 370-LPA of 2015) as well as the appeal, are dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 24, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE