

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

**CR No. 6226 of 2015 (O&M)
Date of decision: 19.05.2016**

Satjit Singh

... Petitioner

versus

M/s Greater Ludhiana Area Development Authority and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Manuj Nagrath, Advocate for the petitioner.

Mr. Balwinder Singh, Advocate for respondent Nos. 1 & 2.

K.Kannan, J. (ORAL)

The petitioner is the plaintiff who sought for the relief of injunction against the cancellation of the allotment of the plot made on the ground that the installments due were not being paid. The petitioner's justification was that the property offered for allotment was 250 Sq. Fts but in the actual possession that was offered there was a deficit of 14.58 Sq. Yds. The respondent authority does not make bones on this deficit that has occasioned but it is willing to refund the amount which has been paid. There is no prima facie case for the plaintiff to not pay the installments of what is due and also not claim the alternative offer made by the authority to give back the amount given by the petitioner. The petitioner cannot have the cake and eat it too.

The interim order declined by the Court below is justified and the revision petition is dismissed.

In the course of the proceedings in revision, it appears that the plaintiff had expressed his willingness to obtain allotment of any other plot if it is available. It will be open to the petitioner to engage the respondents in any independent communication but it will have no

bearing on the issues involved in the present revision or in the suit. The petitioner is also at liberty to file any suit for damages against the respondent, if he so desires.

(K.KANNAN)
JUDGE

19.05.2016

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