

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

CWP-17148-2014 (O&M)
Date of decision:- 16.02.2016

Smt. Maya Devi

...Petitioner

Versus

Principal Secretary to Government Haryana, Town & Country
Planning & Urban Estate Departments, Chandigarh and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sumit Sharma, Advocate,
for Mr. Ashwani Bhardwaj, Advocate,
for the petitioner.

Mr. Rahul Dev Singh, Deputy Advocate General, Haryana.

Mr. Bhupeshwar Jaswal, Advocate,
for respondents No. 2 to 4.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner has challenged an order of resumption dated 01.10.2003, an order dated 10.01.2006 by which the appeal against the order of resumption was dismissed and an order dated 24.06.2014 dismissing the application for revision.

2. The plot in question was allotted in favour of one Ishwar Chand. Ishwar Chand is alleged to have executed a special power of attorney in favour of the petitioner's husband on 27.05.1996. However, the special power of attorney came to an end upon the death of the petitioner's husband on 01.10.2012. The petitioner herself in any event

was not even a constituted attorney. The rights under a power of attorney are not heritable. The petitioner, therefore, has no locus standi.

3. In any event, prima-facie, at least there appears to be no merit in the case. The order indicates, however, that right from the beginning, the original allottee had committed breaches of the terms of allotment, inter alia, by failing to pay the amount(s) and for having purported to transfer the property during the lock in period of ten years.

4. The petition is, therefore, dismissed.

5. If the original allottee or her heirs are entitled to any refund, they must make an application to the respondents for the same in accordance with law.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.02.2016
Amodh