

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
202

Civil Writ Petition No.22652 of 2013(O & M)
Date of Decision:31.03.2016

Mahabir Prashad

....petitioner

Versus

State of Haryana and others

.....respondents

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

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Maharaj Kumar, Advocate
for the petitioner

Mr.Rahul Dev Singh, DAG Haryana

Mr.Pritam Saini, Advocate for HUDA

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

CM No.3849 of 2016

Application is allowed as prayed for. Affidavit is taken on record.

Civil Writ Petition No.22652 of 2013

The petitioner has challenged the orders dated 12.08.2011 and 13.02.2013 passed by the Chief Administrator, HUDA, rejecting the petitioner application for condonation of delay in depositing the 15% of the amount in respect of a plot that was allotted to him pursuant to a draw of lots on the ground that the Estate Officer had cancelled the allotment by a letter dated 29.11.2001.

On 12.03.2001, the petitioner was declared successful in the draw of lots for allotment of a residential plot. The petitioner having failed to pay the initial amount of 15% within the stipulated period of 30 days the allotment was cancelled on 29.11.2001. The petitioner's appeal against the order was dismissed on 14.06.2002.

The petitioner, thereafter, approached the District Consumer Disputes Redressal Forum, Gurgaon (for short 'the Forum'). By an order dated 18.11.2005, the Forum allowed the complaint by quashing the cancellation order and restoring the plot to the petitioner on certain conditions. The respondents challenged the order before the State Consumer Disputes Redressal Commission, Haryana, (for short 'the Commission'), which disposed of the appeal by an order dated 25.02.2010. The order recorded the petitioner's statement that his complaint may be dismissed as withdrawn with liberty to him to approach the competent authority/government to get his grievances redressed. The appeal was accordingly disposed of as infructuous, with liberty to the petitioner to seek redressal of his grievances as aforesaid and granting him the benefit of Section 14(2) of the Limitation Act.

The petitioner, thereafter, made an application to the Chairman of HUDA, for condonation of delay. Under the policy dated 27.07.2005, the power to condone the delay beyond 60 days in the payment of initial amount of 15% in cases of hardship is vested with the Chairman of HUDA. However, the impugned orders were not passed by the Chairman of HUDA but by the Administrative Officer, which is impermissible as the jurisdiction to consider the application

for condonation of delay beyond 60 days vests in the Chairman.

The impugned orders are therefore, quashed and set aside. The Chairman, HUDA, shall decide the petitioner's application for condonation of delay in paying the initial amount of 15% (Annexure P15). The petitioner shall be entitled to file further documents and representation before the Chairman of HUDA which shall also be taken into consideration while dealing with the application, if filed by 15th April, 2016. It is clarified that the petitioner also has a right to challenge the dismissal of his appeal by the order dated 14.06.2002, in revision.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 31, 2016
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