

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

**CM No.15845-CWP-2015 in/and
CWP No.21508 of 2014
Date of Decision : 16.03.2016.**

Mohinder Singh

.....Petitioner

Versus

The State of Haryana and others

..... Respondents

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

Present : Mr. Gaurav Bakshi, Advocate for the petitioner.
Mr. Rahul Dev Singh, Deputy Advocate General, Haryana.
Ms. Upasana Dhawan, Advocate for respondents No.2 to 4.

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

CM No.15845-CWP-2015

Application is allowed as prayed for and documents Annexure

P-1 is taken on record.

CWP No.21508 of 2014

The petitioner has challenged the order of the revisional authority upholding the order of the appellate authority for resuming the S.C.O. allotted to the petitioner on 11.05.2001. There has been prolonged litigation between the parties in this regard. The case is almost identical to seven other writ petitions including the case of Mohinder Singh and others Vs. State of Haryana and others, CWP No.14566 of 2013, which were disposed of by an order and judgment dated 21.01.2015. Special leave to appeal filed by the respondents was also dismissed by an order of the Hon'ble Supreme Court dated 08.02.2016.

The petitioner's case in fact stands on a higher footing as in this case the order of resumption was only on the ground of non-payment of installments whereas in the other cases there was also the question of failure to construct within the stipulated period. Further, the petitioner had deposited one installment more than the allottees in other matters had deposited. The order of resumption was initially challenged successfully before the administrative authorities. The revisional authority, however, set aside the order and remanded the matter. Upon remand, the appeal was dismissed. This order was upheld by the revisional authority. It is these orders which have been challenged in this writ petition. As mentioned earlier, this case is similar to seven other writ petitions including the case of Mohinder Singh and others Vs. State of Haryana and others. The petitioner was also allotted S.C.O. in the same area pursuant to the same auction.

For the reasons stated in the said order and judgment dated 21.01.2015, the petition is disposed of by setting aside the order of resumption subject to the petitioner paying all the pending dues including interest and penalty as may be communicated by the respondents to the petitioner. The amount shall be paid within four weeks from the receipt of the communication by the respondents in this regard subject to any challenge thereto. In the event of the amount not being paid within the stipulated period, the order of resumption shall stand.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

16.03.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE