

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

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CWP No.24797 of 2014 (O & M)

Date of Decision:26.04.2016

Sharad Sood

....petitioner

Versus

Haryana Urban Development Authority and others

....respondents

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

Present: Mr.Namit Gautam, Advocate
for the petitioner

Mr.Deepak Balyan, Advocate
for the respondents-HUDA

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

The petitioner has challenged the order of resumption of plot allotted to him. It is not necessary, at this stage, to decide the case on merits, for, an application for review of the order is pending. A complication has arisen on account of the petitioner having approached the District Consumer Dispute Redressal Forum, Faridabad (for short 'Consumer Forum') in the meantime. We do not intend letting that come in the petitioner's way.

The petitioner's bid for the plot in question was accepted on 10.07.1989. The petitioner paid 25% of the consideration by 20.09.1989. It is not necessary to consider the petitioner's

contention in this writ petition regarding the respondents not having offered possession of the plot till much later and a decision of the Hon'ble Supreme Court having stayed the construction in the area. The petitioner by a letter dated 15.04.1996 had informed the respondents of a change in his address. Despite the same, respondent No.3 claims to have addressed a notice dated 07.11.1997 to the old address regarding the resumption of the plot on account of the petitioner not having paid the balance installments. The petitioner learnt about the same only on 16.11.1998 when he visited the office of respondent No.3. The petitioner, thereafter, filed an appeal before the Administrator, HUDA, Faridabad, against the order of resumption. During the pendency of the appeal, the petitioner tendered an amount of about ₹2.62 lakhs on account of the pending installments, which was not accepted by the respondents. He therefore, deposited the same along with the covering letter at a single window service. The appeal was however dismissed as being barred by limitation. The revisional authority, however, remanded the matter to the Administrator, HUDA, Faridabad. During the pendency of this appeal, the respondents raised a demand of ₹ 12.02 lakhs. However, on 31.12.2003, the appeal was dismissed.

On 31.01.2004, the petitioner filed a revision petition which was dismissed by order dated 26.11.2007. An application for review was made on 29.01.2008, which is pending. It is in view

of the pendency of this application for review that we refrain from entertaining this petition, at this stage. In the meantime, the petitioner filed proceedings before the Consumer Forum. The same were ultimately dismissed as being not maintainable. Those orders have attained finality. The proceedings before the Consumer Forum having been held to be not maintainable, the petitioner's rights cannot be concluded on merits in any other properly constituted proceedings. The petitioner would therefore, be entitled to pursue the review application despite the orders of the Consumer Forum, provided, of course, that the review is maintainable. However, the petitioner would also be entitled to avail of any other remedy including a petition under Article 226 of the Constitution of India.

The petition is, therefore, disposed of with a clarification that the petitioner would be entitled to pursue the review petition and that in the event the same being held not maintainable, to pursue with any other alternate remedy including a petition under Article 226 of the Constitution of India. In this view, it is not necessary to consider the effect of the action of the respondents having indicated that the booth stands restored in favour of the petitioner. The fact of the payments made by the petitioner as well as the payments tendered earlier, would also to be considered in the review application or any other proceedings. Till the decision of the review application and in the event of the decision being adverse to the petitioner, for a period of eight weeks thereafter,

status quo shall be maintained in respect of the booth by all the parties including the petitioner.

**(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

April 26, 2016
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