

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

Gurbax Singh
2016.11.15 15:00

**CWP No. 24137 of 2016
Date of decision: 23.11.2016**

Prabha Goyal

.....Petitioner

Vs.

Chairman, Haryana Urban Development Authority and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Gaurav Bakshi, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. Through the present petition filed under Articles 226/227 of the Constitution of India, the petitioner prays for a direction to respondent No.1 – Chairman, Haryana Urban Development Authority to decide her representation dated 23.1.2014, Annexure P.8 for restoration of residential plot No.126, Sector 5, Urban Estate, Karnal allotted to her at

current allotment price keeping in view the facts mentioned therein.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner, a resident of District Karnal, was allotted a residential plot No.22, Sector 5, Karnal vide allotment letter dated 7.4.1992, Annexure P.1 for a tentative price of ₹ 4,76,700/-, Annexure P.1. The petitioner came into contract with Haryana Urban Development Authority (HUDA) after depositing 25% of the total price i.e. ₹ 1,19,175/-. However, the possession of the plot was not offered to her due to non development. As Plot No.22, Sector 5, Karnal was under litigation, the office of respondent No.4 offered an alternative plot No.126, Sector 5, Karnal to the petitioner vide allotment letter dated 15.4.1999, Annexure P.2. According to the petitioner, since the alternative plot was offered to her after a period of seven years from the date of original allotted plot without providing basic amenities as well as rescheduling the payment, the entire balance instalments were demanded in one lot from her. The petitioner sought refund of the amount deposited vide letter dated 30.1.2003, Annexure P.3 which prayer was not entertained by the office of respondent No.4.

The petitioner also requested vide letter dated 30.9.2003 to accept the allotment and demanded possession of the plot in question from respondent No.4. The petitioner deposited an amount of ₹ 9,69,175/- against the total price of the plot. The petitioner filed CWP No.2810 of 2008 before this court which was disposed of vide order dated 19.2.2009, Annexure P.4 with a direction to the petitioner to approach the appellate or revisional authority under the Haryana Urban Development Authority Act, 1977 (in short, “the HUDA Act”). Thereafter, the petitioner filed revision petition before respondent No.2 which was dismissed vide order dated 17.7.2009, Annexure P.5. The petitioner requested before respondent No.2 that her prayer dated 30.1.2003 was neither accepted nor rejected. Since as per accounts report dated 3.12.2015, Annexure P.6, amount of ₹ 22,98,326/- had been shown outstanding, therefore, the plot in question still stood in her name. Thereafter, the petitioner filed CWP No.11457 of 2009 against the order dated 17.7.2009, which was dismissed on 8.10.2012. She also filed SLP No.5702 of 2013, ***Prabha Goyal Vs. State of Haryana and others*** against the said order which was disposed of as withdrawn vide order dated 8.3.2013, Annexure P.7 in view of the observation made by the Court that the

petitioner had not availed the opportunity to file representation against the order dated 17.7.2009 before the Chairman, HUDA. Consequently, the petitioner filed a detailed representation dated 23.1.2014, Annexure P.8, before respondent No.1. According to the petitioner, respondent No.2 exercising its revisional powers had restored various residential as well as commercial plots where only 25% amount was paid by the allottees as well as on the same ground of non payment of instalments whereas the petitioner's plea was rejected. Having received no response on her representation, the petitioner has approached this court through the instant writ petition.

3. After hearing learned counsel for the petitioner and perusing the averments made in the writ petition, we find that the petitioner had earlier filed CWP No.2810 of 2008 on the same cause of action which was disposed of vide order dated 19.2.2009 (Annexure P.4) with liberty to her to approach the appellate or revisional authority under the HUDA Act. The revision petition filed by her was rejected vide order dated 17.7.2009, Annexure P.5. The said decision was assailed by the petitioner before this Court in CWP No.11457 of 2009 which was dismissed on 8.10.2012. The SLP filed by the

petitioner against the said order was disposed of as withdrawn by the Apex Court on March 8, 2013. In such a situation, the second writ petition is not maintainable. Consequently, the present petition is dismissed.

(Ajay Kumar Mittal)
Judge

November 23, 2016
'gs'/J.Ram

(Ramendra Jain)
Judge