

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

CWP No.5955 of 2016
Date of decision: 31.03.2016

Chander Kwatra

... 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**

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Saroj Malakar, Advocate for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J.

A writ of mandamus is prayed for directing the respondents to re-allot the vacant plot bearing No.220-A, Industrial, Phase-II, Panchkula to the petitioner at the current price, notwithstanding the orders dated 20.01.1995, 09.04.1996 and 17.08.1998 (Annexures P3, P5 & P7).

Facts that are required to be noticed are limited.

A provisional allotment of an industrial site in Industrial Estate, Panchkula, was made in favour of the petitioner on 12.03.1993. Petitioner furnished 10% of the tentative price of the site i.e. ₹ 24,200/- as earnest money. Even 15% i.e. ₹ 35,816/-, was also deposited by the petitioner in terms of the provisional

letter of allotment, dated 12.03.1993 (Annexure P1). Concededly, the petitioner failed to deposit the balance 75% of the price within the stipulated period. That being so, the authorities were constrained to cancel the provisional allotment vide order dated 20.01.1995 (Annexure P3), and forfeit ₹ 6,002/- out of the amount deposited by the petitioner. An appeal preferred by the petitioner was dismissed by the appellate authority, vide order dated 09.04.1996 (Annexure P5). Likewise, even the revisional authority dismissed his revision petition vide order dated 17.08.1998 (Annexure P7). Not just that, petitioner assailed these orders, vide Civil Writ Petition No.2900 of 1999, before this court, which too was dismissed on 18.02.2000. And the conclusion arrived at reads thus:

“On the basis of above discussion, we hold that the Memo. (Annexure P-3) issued by Respondent No.3 and the orders (Annexure P-5 and P-7) passed by the Appellate and Revision Authorities do not suffer from any error of law, justifying interference by the High Court.

In the result, the writ petition is dismissed.”

Now, after over 16 years of the dismissal of the earlier writ petition, the petitioner has again approached this court.

All what is urged by learned senior counsel for the petitioner is that post cancellation of the industrial plot allotted to the petitioner, the authorities allotted the said site in favour of one Pardeep Kumar son of Singh Ram, vide allotment letter dated 08.07.2013 (Annexure P8). And, as the said allotment was in

question before this court in Civil Writ Petition No.4226 of 2014, and in the event it is set aside, claim of the petitioner for re-allotment of the site could be considered by the respondents.

Ex facie, the relief being claimed by the petitioner is wholly misconceived and lacks merit. Needless to assert that order of cancellation of the provisional allotment in favour of the petitioner was affirmed by this court, for the writ petition filed by the petitioner was dismissed as back as in the year 2000. Significantly, the said order was not questioned any further by the petitioner and, thus, attained finality with efflux of time. Rather, for 16 years have gone by, petitioner accepted the cancellation. Resultantly, the site was allotted to Pardeep Kumar. Even if, it is assumed that the said allotment is set aside by this court, still the site would re-vest in the authorities. The petitioner, who ceased to have any right, title and interest in the allotted site, post cancellation, cannot claim any conceivable interest therein least, a right of consideration for re-allotment. Apparently, the petition is speculative in nature and is just an attempt to revive the stale and settled claim.

In view of the above, we are dissuaded to interfere in exercise of extraordinary writ jurisdiction, under Article 226 of the Constitution of India. The petition being devoid of merit is accordingly dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

31.03.2016
Rajan

