

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.1700 of 2015 (O&M)

Date of Decision: September 23rd, 2016

Block Development and Panchayat Officer, Hodal, District Palwal

...Appellant

Versus

Rajender & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Minkal Rawal, Advocate for
Mr.S.K.Panwar, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

CM No.4655-C of 2015

For the reasons mentioned in the application, which is supported by an affidavit, delay of 18 days in filing the appeal is condoned.

CM stands disposed of.

RSA No.1700 of 2015

Appellant-defendant is aggrieved of the impugned judgments and decrees of the Courts below, whereby the impugned notices No.693-699 dated 10.7.2007 issued to the plaintiffs calling upon them to return the amount disbursed through cheque No.927523 dated 31.3.1997, have been set-aside.

Mr.Minkal Rawal, learned counsel for the appellant-defendant submits that the Government of India had promulgated a Scheme known as “Indira Awas Yojna” for providing assistance to the downtrodden people

for construction of the houses and under the said Scheme, a sum of ₹5,40,000/- for 27 houses was sent to the Block Development and Panchayat Officer, Hodal through cheque No.927523 dated 31.3.1997 and the plaintiffs have been disbursed an amount of ₹1,40,000/- by the then Block Development and Panchayat Officer on the basis of the resolution and recommendation of the then MLA. However, later on it was found that the plaintiffs were not eligible and in this background of the matter, the notices, aforementioned, ordering for deposit of the amount were issued to the plaintiffs. Both the Courts below have not considered the fact that the plaintiffs had not approached the Court with clean hands and had taken the advantage of the local MLA in usurping the amount. As per the Scheme, they were not eligible and, thus, prays for setting-aside the impugned judgments and decrees of both the Courts below.

I have heard the learned counsel for the appellant-defendant, appraised the paper book and of the view that vide notices, the appellant straightway called upon the plaintiffs to deposit the amount, in essence it is non-compliance of the natural justice. If there had been actual truth in the assertion/averments in the written statement, nothing prevented the appellant to issue show cause notices before ordering recovery of the amount, in essence the order under challenge before the Civil Court was a compliance of the order asking the plaintiffs to deposit the money, which is not the proper procedure and rightly so, the Courts below set-aside the same.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below, which are based on appreciation of oral and documentary evidence, much less no substantial

question of law arises for determination.

Appeal stands dismissed.

September 23rd, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No