

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12072 of 2016 (O&M)

Date of Decision: 15.02.2017

Silochna

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. SS Khurana, Advocate for the petitioner

Mr. Deepak Balyan, Addl. AG Haryana

Mr. Sumeet Jain, Advocate for

Mr. Pankaj Jain, Advocate for respondents No.2 to 4

SURYA KANT, J. (Oral)

(1) The controversy pertains to cancellation of plot No.342, Sector 5, Urban Estate, Rohtak measuring 4 marla, on the ground of her failure to deposit 15% of the earnest money within the stipulated period. The plot was allotted on 16.09.2013.

(2) The Estate Officer, Rohtak earlier passed an order dated 18.09.2015 (P4) informing that since the petitioner failed to deposit 15% earnest money within the stipulated period and the Chief Administrator, HUDA, Panchkula had declined to condone the delay hence her allotment has been cancelled.

(3) The aggrieved petitioner approached this Court by way of CWP No.24188 of 2015 which was disposed of on 18.11.2015 directing the respondents to consider the petitioner's representation dated 15.10.2015.

(4) In total disregard to the directions of this Court, the Estate Officer, HUDA, Rohtak has vide the impugned communication dated 04.05.2016 (P10) rejected the petitioner's representation with a one line order that "*as per serial*

No.3792 dated 16.02.2016 of Chief Administrator, HUDA Panchkula, you are being informed that appeal by you has been dismissed”. No order of the Chief Administrator has been conveyed or placed on record.

(5) Once this Court had directed to re-consider the matter, it was imperative upon the Chief Administrator, HUDA, Panchkula to apply his mind objectively and decide the petitioner’s claim by way of a reasoned order. Since no such exercise has been undertaken, we allow the writ petition; set aside the order (P10) with a direction to the Chief Administrator, HUDA, Panchkula to re-consider the petitioner’s request for condonation of delay in depositing the due amount along with penal interest or other charges, in accordance with HUDA policy/Rules. Let a reasoned order be passed within two months from the date of receipt of certified copy of this order.

(6) Till such matter is decided, *status quo re*: further allotment shall be maintained.

(7) Ordered accordingly.

(Surya Kant)
Judge

15.02.2017

vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No