

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

CWP-14458-2017 (O&M)

Date of decision:- 27.07.2017

Ram Dayal through its LR Sh. Narain Dass Bhatia aged about 60 years son of late Sh. Ram Dayal, resident of H. No. 534, Sector-15, Faridabad.

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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

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S.J. VAZIFDAR, C.J. (ORAL)

The petitioner has challenged the order of the Estate Officer, HUDA, Faridabad dated 09.02.2001 resuming the plot/booth allotted to his father by a letter of allotment dated 28.02.1989; the order of the appellate authority dated 09/19.01.2007 rejecting his appeal and the order of the revisional authority dated 04.11.2014 rejecting his revision application.

2. The petitioner's father was allotted the booth/plot on 28.02.1989 for a consideration of ₹ 4,10,000/- pursuant to an auction. The petitioner paid 25% of the consideration within time. The balance consideration of ₹ 3,07,500/- was payable without interest within sixty days of the letter of allotment or in ten half yearly equal installments. Admittedly, not a single installment was paid. The petitioner's father unfortunately died after the allotment. However, the petitioner

was at all times aware of the allotment and sought and obtained the transfer/re-allotment of the premises on 10.08.1989. This is important for it indicates the petitioner's knowledge of his rights and liabilities under the letter of allotment. Admittedly, the petitioner even thereafter did not pay a single installment. The order of resumption was passed on 09.02.2001. It is difficult to believe in these circumstances that the petitioner knew nothing about the matter and had not received the notice(s). The petitioner challenged the order of resumption only in the year 2006 i.e. after a delay of five years. This is not a matter of mere delay. The delay indicates that the petitioner in fact had no interest in pursuing the allotment. His interest revived obviously on account of increase in prices. The allottees especially pursuant to an auction cannot sit back and choose to proceed with a transaction as and when they desire.

3. It is contended that in similar cases the respondents have condoned the delay. Each case will have to be seen in its own facts. Even assuming that such orders have been passed, there can be no parity on the basis of incorrect orders.

4. The petition is, therefore, dismissed.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

27.07.2017

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No