

CWP No.21128 of 2017

[1]

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

**CWP No.21128 of 2017
Date of decision:09.10.2017**

Lakhwinder Singh

...Petitioner

Versus

Commissioner, Jalandhar Division, Jalandhar and another

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.K.Chaudhary, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 09.06.2009 and order dated 03.03.2011 passed by the Deputy Commissioner-cum-Chief Sales Commissioner, Kapurthala and the order dated 25.07.2016 passed by the Commissioner, Jalandhar Division, Jalandhar.

In brief, the petitioner has alleged that he had purchased the land measuring 28 kanal 05 marla in village Hamira, District Kapurthala in a restricted auction on 16.10.1975, which was confirmed on 15.03.1976 but he could not deposit the due installments due to floods and because of his ailments of asthma and high blood pressure. The petitioner, thus, applied to deposit the due installments and for the issuance of conveyance deed but on 09.06.2009, he was informed that his application has been rejected on 02.04.2009. The petitioner filed appeal against the order dated 02.04.2009 before the Appellate Authority but his appeal was also dismissed by observing that he had earlier filed an application on 26.09.2008, which was dismissed on 10.10.2008 and intimation was given to him vide Endst. No.1416 dated 21.10.2008 but that

order was not challenged and, therefore, the subsequent application given on 19.02.2009 was not maintainable. It was further observed that the land allotted to the petitioner was cancelled by the Additional Sales Officer on 17.03.1976 as the auction was not found to be on adequate sale price. It was further observed that after the lapse of such a long time, no action can be taken on the application of the petitioner and, thus, it was dismissed.

Still aggrieved, the petitioner filed further appeal before the Divisional Commissioner, which was also dismissed for the same reason as the order of the Chief Sales Commissioner, Kapurthala dated 03.03.2011 was not found to be perverse.

Learned counsel for the petitioner could not explain the reason for not depositing the due installments in time except for taking refuge to the alleged floods and his ill health as he was allegedly suffering from asthma and high blood pressure. These are not the sufficient grounds and are only lame excuses. Moreover, the auction was cancelled on 17.03.1976 by the Additional Sales Officer for inadequate sale price, which was not challenged by the petitioner and the earlier order rejecting his application for depositing the due installments was also not challenged by the petitioner, therefore, the subsequent application was not found to be maintainable.

Thus, in view of the aforesaid, I do not find any reason to interfere in this petition and hence, the same is hereby dismissed, though without any order as to costs.

October 09, 2017
vinod*

(Rakesh Kumar Jain)
Judge

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