

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.27295 of 2016
Date of Decision.09.01.2017

Dinesh Kumar

.....Petitioner

Vs

State of Haryana and others

.....Respondents

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner has approached this Court after the decision dated 15.09.2012 rendered by the lower Appellate Court whereby it has been found that the Civil Court would not have jurisdiction for seeking a relief against the Cooperative Society. However, the petitioner has approached this Court after a delay of almost 4 years in 2016.

There is no explanation of delay and latches. However, in the interest of justice, particularly the fact that the petitioner has already deposited a sum of ₹1,93,750/- vide cheque No.024183 dated 30.09.1995 with regard to the allotment of the plot bearing No.1595 measuring 250 sq. yards in Phase 1 of the society at village Wazirabad, District Gurgaon, which is said to have been allotted, yet the possession has not been handed over.

Considering the aforementioned fact, I do not deem it appropriate to invoke the doctrine of delay and latches instead of dispose of the writ petition by issuing directions to the Additional Deputy Commissioner (Board of Administration Saraswati Kunj Co-operative House Building Society), Vikas Sadan, Gurgaon to decide the

representation (Annexure P-5), if submitted by the petitioner and received within a period of six months and pass appropriate speaking order in accordance with law and if not, the petitioner shall be at liberty to make fresh representation and on receipt of the same, the authority shall pass appropriate speaking order in accordance with law within the aforementioned period.

With the aforementioned direction, the writ petition is disposed of.

(AMIT RAWAL)
JUDGE

January 09, 2017
Pankaj*

Whether reasoned/speaking Yes/No

Whether reportable Yes/No