

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

**RSA No.4296 of 2015 (O&M)
Date of Order: 04.09.2017**

Malkit Kaur

..Appellant

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.P.Kaushal, Advocate,
for the appellant.

Mr. Balwinder Singh, Advocate,
for respondents no.2 and 3.

ANIL KSHETARPAL, J (Oral)

C.M.No.10373-C-2015

Prayer in this application is for condonation of delay of 979 days in re-filing the appeal.

For the reasons mentioned in the application, which is supported by an affidavit, the delay of 979 days in re-filing the appeal is condoned.

Application is allowed.

C.M.No.10374-C-2015

Allowed as prayed for.

RSA No.4296 of 2015

Plaintiff-appellant is in regular second appeal against concurrent findings of fact arrived at by the Courts below.

Plaintiff had filed a suit for declaration, challenging the order

passed by the Secretary, Housing and Urban Development Department. The learned Secretary had passed a conditional order offering a plot on sympathetic consideration, to the plaintiff @ Rs.5200/- per sq. yards. Plaintiff was allotted a plot vide allotment letter dated 21.05.2001 @ Rs.1525/- per sq. yards. Plaintiff as per the terms and conditions of the allotment letter, did not deposit 15% of the price which was *sine-qua-non* for finalization of the allotment. Thereafter, plaintiff filed an appeal and revision petition, in which the learned Secretary passed a conditional order.

Even, thereafter plaintiff remained silent for more than three years. Plaintiff only protested by writing a letter to the Punjab Urban Planning and Development Authority that the order passed by the Secretary is wrong.

In the present case, both the Courts have concurrently found that the plaintiff has failed to comply with the terms and conditions of the original allotment letter. Even the offer made by the Secretary, vide its order dated 06.03.2006, has not been complied with.

Learned counsel for the appellant has submitted that there is a violation of provision of Section 45 of the Punjab Regional and Town Planning and Development Act, 1995. He has submitted that no show cause notice was given.

I have considered the submission of learned counsel for the appellant.

It is not in dispute that the husband of the plaintiff was repeatedly given notices. Thereafter, the conditional order of allotment was withdrawn. Appeal and revision were filed against the aforesaid order. Still further the order passed by the learned Secretary was solely on the basis of

sympathetic consideration. Once the plaintiff failed to accept the conditional offer, the plaintiff is left with no right title or interest in the property. Still further, plaintiff has chosen to even remain silent for a period of more than 3 years after the Secretary passed an order on 06.03.2006. The suit was filed by the plaintiff on 13.04.2009.

In view of the aforesaid discussion , I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below. The regular second appeal is ordered to be dismissed.

September 04, 2017
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(ANIL KSHETARPAL)
JUDGE

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