

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.15526 of 2018

Date of Decision: July 02, 2018

Sawinder Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Gurcharan Dass, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner (Sawinder Singh) was allotted LIG house by the Punjab Housing Development Board, Ludhiana vide allotment letter dated 12.12.1994 (P-1) under the Hire-Purchase Scheme at Samrala Road, Ludhiana. He did not pay the due installments as a result of which the Estate Officer, PUDA, cancelled the allotment vide order dated 26.01.2005. Thereafter, the allottee appears to have executed a General Power of Attorney in favour of Gurcharan Singh through whom the instant writ petition has been filed. The said Gurcharan Singh deposited the principal amount of due installments and filed an appeal against the cancellation of allotment. His appeal was dismissed by the Additional Chief Administrator, GLADA vide order dated 22.11.2012 and so was the fate of the revision petition dismissed by the State Government on 04.12.2014 on the ground that he cannot take advantage of deposit of principal amount as he was not willing to pay the interest/penal interest which was leviable as per the terms and conditions of allotment.

Thereafter, the General Power of Attorney holder also sat at home till PUDA is said to have issued a 'public notice' in daily newspaper

opportunity to the allottee(s) in-default to deposit the balance amount alongwith 15% annual penal interest. The GPA holder is said to have applied under the said Scheme on 13.10.2017 (P-20) but finding no favourable consideration, he got served a legal notice dated 14.03.2018 (P-21). Since PUDA/GLADA did not respond to the representation/legal notice of the petitioner, he has approached this Court.

Having heard learned counsel for the petitioner, it appears that so far as the impugned orders on merits are concerned, no interference is called for, for two reasons. Firstly, the allottee was liable to pay the interest/penal interest as per the terms and conditions of the allotment, which was admittedly not deposited and secondly, there is a delay of almost four years in approaching the court.

Nevertheless, the petitioner's grievance against non-consideration of his request under the Amnesty Scheme published on 28.09.2017, requires consideration. The instant writ petition is thus disposed of with a direction to the Chief Administrator, GLADA to consider and decide the claim of the petitioner as contained in the representation (P20) or the legal notice dated 14.03.2018 (P-21), in accordance with the Scheme, if any, and by way of a reasoned order within a period of four months from the date of receiving a certified copy of this order. It is made clear that the petitioner's claim shall be considered only if he has applied within time under the Amnesty Scheme.

[SURYA KANT]
JUDGE

July 02, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No