

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17214 of 2018.

Date of Decision: July 17, 2018

Haryana Shehri Vikas Pradhikaran

.....Petitioner

versus

Smt.Savitri Sethi and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Deepak Balyan, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The deceased-husband of respondent No.1 was allotted booth No.64, Sector-9, Ambala City in an open auction for a tentative price of Rs.3,46,100/-. Due to default in payment as per the terms and conditions of allotment letter, notices were issued and eventually the booth site was resumed on 16.04.2003. The deceased-allottee filed appeal which was unfortunately dismissed in-default. Apparently, he died during the pendency of appeal. After a reasonable long delay, the 1st respondent sought restoration of the appeal which was declined on 26.03.2014. However, the said order was set-aside by the Revisional Authority on 25.02.2016 whereby booth site has been ordered to be restored subject to payment of penalty of Rs.2.00 lacs, in addition to the allotment price alongwith interest/penal interest etc. The instant writ petition now challenges, after a period of over two years, the said order of Revisional Authority.

In our considered view, firstly the writ petition is liable to be dismissed on the ground of delay and laches alone as there was no impediment against challenging the order of Revisional Authority within a

reasonable time; secondly, the Revisional Authority has exercised its

discretion for equitable considerations which may not warrant interference by this Court. Thirdly, a Full Bench of this Court in Dheera Singh versus U.T. Chandigarh Administration and others, 2012 (4) RCR (Civil) 970, held that 'resumption' should be the last resort only in a case of chronic and habitual defaulters. The findings given by the Revisional Authority in this regard is that the reasons for non-deposit of installments were bonafide. Be that as it may, the Revisional Authority has imposed penalty of Rs.2.00 lacs on the allottee on account of delay. The order thus does not call for any interference.

Dismissed.

[SURYA KANT]
JUDGE

July 17, 2018

mohinder

(SUDIP AHLUWALIA)
JUDGE

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