

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.30232 of 2018 (O&M)
DATE OF DECISION : 30.11.2018

Rattan Singh

PETITIONER

VERSUS

Punjab Urban Planning & Development Authority and others

... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA

Present:- Shri Sukhandeep Singh, Advocate for the petitioner.

MAHESH GROVER, J.

The petitioner was initially allotted a plot which was cancelled on account of non-payment of the requisite amount on 20.7.2016, against which he preferred an appeal. The Appellate Authority noticed that the petitioner did not comply with the conditions of the letter of intent and faltered in depositing the requisite amount for seeking extension to do so. The appeal was also rejected on 12.10.2016 and the petitioner has approached this Court two years thereafter.

Learned counsel for the petitioner contends that the Appellate Authority himself had permitted him to deposit the penal interest which would amount to condoning the lapse.

We are afraid, no such interpretation can be placed, as the deposit of the amount contrary to the terms of letter of intent would not *ipso facto* give rise

to any right to the petitioner. The Appellate Authority would be bound to decide the matter in accordance with law which he did. Be that as it may, non payment and then staking a claim to a plot assume negative significance as occasionally it may result in a third-party right and expose the petitioner to the charge of being a mere speculator not in an actual need of the plot.

Learned counsel for the petitioner contends that even though the petitioner had deposited an amount of more than Rs.9 lacs, an amount of Rs.5 lacs has been refunded to him. He further contends that plots are lying vacant.

If that be so, the competent authority may look into the issue and in case the petitioner submits his claim for allotment of a plot, he may be given some other plot on payment of the current market price, if otherwise permissible in law and subject to availability.

Disposed of .

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

November 30, 2018
GD

Whether speaking/reasoned	Yes
Whether reportable	Yes/No