

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

**CWP No. 3405 of 2018
Date of decision: 15.02.2018**

Sukhvir Singh

.....Petitioner

Vs.

The Chief Administrator, Punjab Urban Planning and Development Authority, PUDA Bhawan, Sector-62, SAS Nagar, District Mohali, Punjab.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Mohinder Pal, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India prays for quashing the impugned order dated 4.10.2017, Annexure P.10 passed by respondent No.2 whereby the appeal filed by him to resume the allocation of Plot No.44, Nirvana Estate, Bathinda has been dismissed. Further prayer has been made for a direction to the respondents not to initiate further process of re-allotment/auction etc. of the plot in question allocated to the petitioner.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner had applied for a plot measuring 330 square yards under general category in Scheme Jail Site,

Bathinda alongwith an amount of ₹ 6,30,000/- being 10% of tentative price of the plot on application. As a result of draw dated 23.2.2016, the petitioner had been allotted Plot No.44. Respondent No.3 demanded an attested affidavit from the petitioner which was submitted on 11.3.2016-Annexure P.1. Letter of intent for allotment of the plot in question was issued by respondent No.3 to the petitioner on 21.4.2016, Annexure P.2. The petitioner applied for extension of six months period to deposit the allotment money vide application dated 17.5.2016, Annexure P.3. Respondent No.3 extended the period for six months upto 18.11.2016 vide letter dated 28.6.2016, Annexure P.4. Thereafter, the petitioner had arranged the funds but due to heavy rush in the State Bank of Patiala due to demonetization and dealing in only for the exchange of old currency, he could not arrange to deposit the installment amount alongwith interest plus surcharge on 18.11.2016 which are still lying in the saving bank account of the petitioner. On 8.12.2016 after 3:00 PM, the petitioner received a letter dated 5.12.2016 for appearance before respondent No.3 regarding non-deposit of amount. On 9.12.2016, the petitioner requested respondent No.3 to calculate the required amount alongwith interest and surcharge so that he may deposit the same but respondent No.2 advised the petitioner to wait for the letter in this regard, at his postal address but no information was received. Respondent No.3 vide order dated 02.01.2017 endorsed on 18.01.2017 cancelled the allocation of plot No.44 and forfeited the 10% amount deposited by the petitioner. On 31.01.2017, the petitioner submitted his representation/appeal to resume the allocation of the plot and allow him to deposit the amount before respondent No.2. He also approached respondent No.2 but nothing was done. Ultimately, order dated 4.10.2017, Annexure P.10 was passed dismissing the appeal filed by the petitioner. Hence the instant petition by the petitioner.

3. We have heard learned counsel for the petitioner.

4. Undisputedly, the petitioner was allotted plot No.44 measuring 330 square yards under general category in Scheme Jail Site, Bathinda in draw of lots. The petitioner applied for extension of six months period to deposit the allotment money vide application dated 17.5.2016. The extension was granted upto 18.11.2016. It has been categorically recorded by the respondent authority that the petitioner failed to deposit the 15% amount within the extended period. The plea taken by the petitioner for non deposit on account of demonetization was not found to be plausible. The copy of the pass book appended as Annexure P.12 would not advance the case of the petitioner. If the petitioner had sufficient money with him, there is nothing to suggest as to what prevented him not to deposit the amount at the time when order dated 02.01.2017 was passed by respondent No.3 or immediately thereafter at the earliest to establish his bonafides. Thus, the bonafides on the part of the petitioner are totally missing in the present case. Even before this court, learned counsel for the petitioner was unable to produce any material on record to prove that the delay in deposit of the amount was beyond his control. Thus, the impugned orders have been rightly passed by the authorities below.

5. In view of the above, we do not find any merit in the writ petition and the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

February 15, 2018
'gs'

(Anupinder Singh Grewal)
Judge

Whether speaking/reasoned

Yes

Whether reportable

Yes

