

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

114

CWP-9034-2018

Date of Decision: 17.04.2018

MANJU MOAR

....Petitioner(s).

Versus

HARYANA URBAN DEVELOPMENT AUTHORITY AND ANR.

...Respondents.

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

Present: Mr. Raman B. Garg, Advocate and
Ms. Gitanjali Chhabra, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J.

The petitioner has impugned memos dated 11.07.2016 (Annexure P-5) and 03.10.2017 (Annexure P-8) whereby the request of the petitioner for cancellation of his application for surrender of the plot has been rejected.

2. The petitioner is stated to have been allotted a residential plot No.744P of 10 marlas in Sector 6, Part II, Urban Estate, Hansi vide allotment letter dated 14.09.2011. He had deposited the earnest money of Rs.1,66,435/-. He had also deposited a sum of Rs.3 lakh on 14.10.2011 in terms of the condition No.4 of the allotment letter. The first and the second installments were also deposited by the petitioner on 11.10.2012 and 13.12.2013. The possession of the plot was offered to the petitioner on 01.10.2015. The petitioner preferred an application to respondent No.2 on 24.06.2016 for surrender of the plot. A receipt

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of the application was also issued to the petitioner on 24.06.2016 (Annexure P-3).

3. The petitioner, thereafter, is stated to have made an application on 29.06.2016 to withdraw his earlier application seeking surrender of the plot. Respondent No.2 intimated the petitioner by the impugned memo dated 11.07.2016 that necessary decision regarding surrender of the plot had been taken on 28.06.2016 prior to the receipt of application for cancellation of surrender. The petitioner is stated to have made further request to respondent No.2 to accept his request for cancellation of the surrender but he was informed by the impugned memo dated 03.10.2017 that respondent No.1 has not accepted the request of the petitioner and he shall be refunded the amount of the plot.

3. Learned counsel for the petitioner has contended that as the petitioner had withdrawn his application for surrender of the plot on 29.06.2016, the impugned memos are unsustainable especially when the petitioner had been informed about acceptance of surrender only on 11.07.2016.

4. Heard.

5. The petitioner had been allotted the plot in the year 2011. The schedule of payment as stipulated in the terms and conditions of the allotment required the petitioner to pay a sum of Rs.2,28,849/- in installments every year till 2017. The petitioner is stated to have made the payment of only two installments in the year 2012 and 2013. The payment of installment for the years

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2014 and 2015 were not made by the petitioner and instead, he had moved an application for surrender of the plot on 24.06.2016.

Decision on this application is stated to have been taken on 28.06.2016 although the communication in this regard was sent to petitioner on 11.07.2016. There is nothing to prima facie suggest that the decision had not been taken on 28.06.2016.

6. It is thus apparent that the application of the petitioner for surrender of the plot had been decided by the respondents on 28.06.2016 before the petitioner made an application for cancellation of his request on 29.06.2016. The petitioner has also not made any payment as provided in the terms and conditions of the allotment after the year 2013. The installments which fell due in 2014, 2015 and 2016 have not been paid by the petitioner. In such a factual backdrop, it would be difficult for this Court to accept the petition and issue directions to the respondents to restore the plot to the petitioner.

7. Consequently, we are of the considered view that there is no merit in the instant petition which stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

17.04.2018

SwarnjitS

Whether speaking/reasoned : YES
Whether reportable : YES