

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

**RSA No.916 of 2013 (O&M)
Date of Order: 19.04.2018**

Haryana Urban Development Authority and another

..Appellants

Versus

Mohinder Pal Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lokesh Sinhal, Advocate,
for the appellants.

Mr. Amit Prashar, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

Order passed by the defendants-appellants resuming Booth No.57 has been set aside by both the courts below on the ground that proper notice was not served on the plaintiffs before ordering resumption of the property. The allegations against the plaintiff was that the common wall in between Booth Nos.57 and 58 have been removed.

During the course of hearing, learned counsel for the plaintiffs-respondents handed over copy of the order passed by the Additional Chief Secretary exercising the powers of the Government with respect to Booth No.58, Sector 7, Panchkula.

A look at the order would show that the resumption of Booth No.58 was set aside as it was found that such violation is compoundable as per the policy of the Haryana Urban Development Authority. The wall

between Booth Nos.57 and 58 was common. Once the order has been passed with respect to Booth No.58, the violation being single would automatically enure for the benefit of Booth No.57. In any case, once the violation, if any, is compoundable, this Court does not find any ground to interfere with the concurrent findings of fact particularly when liberty has been granted to be appellants to proceed afresh, if required, by the first appellate Court.

Without deciding the issue whether powers of resumption under Section 17 of the Haryana Urban Development Authority Act can be invoked in case of violation of the terms and conditions of the allotment letter, this appeal is disposed of in the manner indicated above.

April 19, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No