

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

LPA No.834 of 2018
Date of decision: 25.07.2018

Gurdeep Kaur through LR Upkar Singh

... Appellant

Versus

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Ms. Savita Sisodia, Advocate for
Mr. CSS Sisodia, Advocate for the appellant.

ARUN PALLI, J. (Oral)

This is an intra-court appeal under clause X of the Letters Patent against the order and judgment dated 16.04.2018, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant-petitioner seeking a direction to the respondent-authorities to deliver possession of the land that was allotted to her to set up a school, had since been dismissed.

On a consideration of the matter, the learned Single Judge reached a conclusion that the relief prayed for by the appellant-petitioner was misconceived as no such site or a plot of land was ever allotted by the respondent-authorities. Further, a revision petition filed by the petitioner was dismissed by respondent No.2 vide order dated 28.11.1995, for, in response to the offer of allotment dated 15.04.1988, vide which an area measuring 01 acre was proposed to be allotted to her for Rs.12,34,200/- (approx.), the

petitioner failed to deposit 25% of the price in terms of the condition contained therein, and possession of the proposed site could be delivered only thereafter. Neither did the appellant-petitioner disclosed the order dated 28.11.1995 nor appended a copy thereof to the writ petition. Rather, what we find from the record is since the appellant continued to represent the respondent-authorities for extension of time for depositing the requisite amount and also prayed for reduction in price, the offer of allotment of land was withdrawn by the authorities. Concededly, the order dated 28.11.1995 was never challenged by the appellant-petitioner, and she had filed the writ petition after over two decades of the passing of the said order. Thus, in the given situation, one wonders as to how the petitioner could seek a direction to put her in possession of the land that was never allotted to her in the first place. No right, title or interest ever accrued in favour of the appellant as regards the proposed site, therefore, dismissal of the writ petition was the inevitable result.

In conspectus of the above, we are dissuaded to interfere with the impugned order and judgment. The appeal being devoid of merit is accordingly dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

25.07.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO