

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

RSA No.6976 of 2016
Date of decision: 10.09.2018

Prem Nath Kansal Advocate (deceased)
through LRs

..... Appellant

Versus

Punjab Housing Development Board and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.K. Bansal, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff through his legal heirs is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

It is undisputed that the plaintiff was allotted a higher income group house and allotment letter was duly sent to the appellant which was received. Certain formalities were required to be completed by the appellant which were not complied with by the plaintiff. The plaintiff while submitting the application had given two addresses for correspondence, one as a Deputy Manager, Punjab State Civil Supplies Corporation Ltd. and second SCO No.50-59, Sector 17-D, Chandigarh. Since the plaintiff failed to comply with the conditions of allotment, therefore, a show-cause-notice and cancellation orders were sent on the addresses furnished by the plaintiff for the correspondence. All these communications were received back with the report that no such person is available at the said address.

Learned counsel for the appellant submitted that since the allotment letter was sent at the address given in Sangrur, therefore, it was incumbent on the allotment authority to serve the notice on the aforesaid Sangrur address only.

It is not disputed that the plaintiff did not inform the Board, the allotting authority, the factum of his retirement or change of address. In any case, the allotment letter, specifically stipulate that certain steps have to be taken by the plaintiff within the specified time. Once the plaintiff has failed to take those steps, no relief can be granted to the appellant. Still further, the plaintiff had only filed a suit for mandatory injunction. He never challenged the order of cancellation which was passed by the authority on 17.11.1986.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

10.09.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No