

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: March 12, 2018

1. RA No.266 of 2017 (O&M) in CWP No.361 of 2017

Anand S Gupta

....Petitioner

Versus

State of Haryana & others

...Respondents

2. RA No.267 of 2017 (O&M) in CWP No.27295 of 2016

Dinesh Kumar

....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.D.D.Gupta, Advocate,
for applicant-respondent No.4 in RA No.266 of 2017 &
for applicant-respondent No.2 in RA No.267 of 2017.

Mr.Sumit Jain, Advocate,
for the non-applicant/petitioners.

AMIT RAWAL, J.

CM Nos.7440 of 2017 in RA No.266 of 2017 in CWP No.361 of 2017 &
CM No.7453 of 2017 in RA No.267 of 2017 in CWP No.27295 of 2016

Mr.Sumit Jain, learned counsel for the non-applicant/petitioners submitted that he has no objection in case the delay of 114 days in filing Review Application No.266 of 2017 and 90 days in filing the Review Application No.267 of 2017 is condoned.

In view of aforementioned statement, the delay in filing the

review applications is condoned.

Applications stand disposed of.

RA Nos.266 & 267 of 2017 (O&M)

This order of mine shall dispose of two Review Applications bearing No.266 and 267 of 2017. The facts are being taken from RA No.266 of 2017.

The present review application has been preferred by the applicant-respondents No.4 for recalling of the order dated 12.1.2017 passed in Civil Writ Petition No.361 of 2017, whereby the Society was directed to allot an alternative plot of the same size, i.e., 1000 sq.yards in the Society to the petitioner on the price which has already been paid by him and also execute the conveyance deed in his favour within a period of four months.

Mr.D.D.Gupta, learned counsel for the applicant-respondent No.4 submitted that the crucial points of the matter, i.e., taking over the governance and management of the Society by the duly selected Managing Committee and the appointment of a Commission to sort out the long pending issues of allotment of plots and membership have not been highlighted by the non-applicant/petitioner for reasons best known to him.

It was also submitted that as on date, the applicant-Saraswati Kunj Co-operative House Building Society Ltd., does not have any vacant landed property or plot, which can be offered to any person and as the entire scrutiny of diverging claims of persons is being done by one man Commission, which would soon invite claims from the public at large to address their grievances, the applicant would not be in a position to comply with the directions issued by this Court and, thus, urged this Court for recalling the order.

Mr.Sumit Jain, Advocate, learned counsel for the non-applicant/petitioner submitted that the order passed by this Court is perfectly legal and justified. The matter pertained to the year 1999 and the applicant-respondents are intentionally delaying the matter by moving applications. The non-applicant/petitioner had already suffered a lot.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the order under challenge is perfectly legal and justified and does not call for any review or re-appreciation as there is no error apparent on record.

On going through the contents of the review application, it is, *prima-facie*, proved that an attempt is being made to re-submit arguments and re-agitate the controversy under the garb of the review application, which is not permissible in view of the ratio decidendi culled out in **Tamilnadu Terminated Full Time Temporary LIC Employees Association Versus S.K.Roy, The Chairman, LIC of India and another,** 2016 AIR SC 3964.

Accordingly, the applications are dismissed.

March 12, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No