

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9376 of 2017 (O&M)

Date of Decision: 18.03.2020

Ankita through G.P.A Mangat Ram

...Petitioner

Versus

The State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. K.S.Khehar, Advocate,
for the petitioner.

Mr. P.P.Chahar, Deputy Advocate General, Haryana.

Mr. Deepak Sabherwal, Advocate,
for respondent Nos.3 and 4.

KARAMJIT SINGH, J.

The petitioner has filed this petition for issuance of a writ of certiorari seeking quashing of resumption order dated 19.02.2008 (Annexure P-5), order dated 07.10.2008 (Annexure P-6) and order dated 01.08.2014 (Annexure P-7).

The case of the petitioner-Mangat Ram is that he is General Power of Attorney holder (G.P.A) of Ankita. Plot No.691-P, Sector-39, Gurgaon, was allotted to Fateh Singh on 23.02.1995 by respondent No.3. Fateh Singh sought permission to transfer the said plot to Ankita and the permission was granted on 15.05.1995, vide Annexure P-1. Thereafter, the said plot was re-allotted to Ankita on 02.06.1995 for a total consideration of Rs.1,38,888/-. The entire sale price was paid by the petitioner in six equal yearly installments till 23.03.2001. In the meantime, outstanding amount of Rs.2,53,874/- was demanded by respondent No.3, vide memo dated 05.09.2000, out of which Rs.25,387/- was deposited on 15.09.2000. Respondent No.3 also imposed penalty on

14.03.2001. As the petitioner failed to make the payment of the entire demanded amount, the plot was resumed on 11.03.2002. Appeal filed against the said resumption order was dismissed on 26.06.2003. However, the revisional authority, vide order dated 02.02.2004 (Annexure P-4), permitted the petitioner to make payment of entire outstanding dues along with interest and penalty of Rs.10,000/- and the respondent No.3 was directed to convey to the petitioner, the total amount outstanding against him. However, respondent No.3 never conveyed any such outstanding amount to Mangat Ram (G.P.A). Consequently, the plot was again resumed on 19.02.2008. The revision filed against the said order was dismissed, vide order dated 07.10.2008 (Annexure P-6). The application moved by the petitioner for recalling the said order was also dismissed on 01.08.2014. The said orders being illegal, were challenged in this writ petition.

The writ petition was contested by the respondents. Respondent Nos.3 and 4 filed joint written statement, in which, it was admitted that initially the plot was allotted to Fateh Singh, who transferred it in the name of Ankita with the permission of respondent No.3. But she failed to pay the dues and finally, the plot was resumed, vide order dated 11.03.2002. The revision petition filed by Ankita through Mangat Ram (alleged G.P.A) was conditionally allowed and the plot was restored, subject to condition that the outstanding dues along with interest and penalty of Rs.10,000/- were to be deposited within 30 days from the date the same were conveyed by respondent No.3. However, no amount was deposited by the petitioner, even after the passing of the said order. So, the resumption order revived. It is further pleaded that no ground is made out to set aside the impugned orders.

We have heard the learned counsel for the parties and also gone

There is no dispute regarding the fact that Fateh Singh was the original allottee of Plot No.691-P, Sector 39, Gurgaon. Fateh Singh took permission from the concerned authorities to transfer the said plot to Ankita. On this, the said plot was re-allotted to Ankita on 02.06.1995 for Rs.1,38,888/-. Lateron, the plot was resumed for want of payment of dues. Mangat Ram, who was claiming himself to be G.P.A of Ankita, filed revision petition against the said order and the same was disposed of and the plot was restored in favour of the allottee with the condition that outstanding dues along with interest, as per HUDA policy and penalty of Rs.10,000/- were to be deposited within 30 days from the date the same was conveyed by the Estate Officer. The Estate Officer was directed to convey outstanding dues along with penalty of Rs.10,000/- within 15 days from the date of receipt of the copy of the order to G.P.A of the allottee. The concerned order is Annexure P-4

It is not clear, the petitioner, thereafter, visited the office of the Estate Officer to enquire about his balance dues or any information was sent in this regard by the HUDA authorities themselves, to him. Under these circumstances, in case, the petitioner visits the office of the Estate Officer, HUDA, Gurugram, within three weeks from today, he shall be afforded an opportunity of hearing by the concerned authority, whereafter, the said authority will be at liberty to pass speaking order in this regard. The writ petition stands disposed of with aforesaid directions.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

18.03.2020

adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No