

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

CWP-3144-2021
Date of Decision:-25.2.2021

M/s Vikram Spinners

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

By way of instant writ petition, the petitioner has prayed for
issuance of writ of Certiorari for setting aside the order dated 10.2.2020
(Annexure P-8) passed by respondent No.1, order dated 9.8.2001 (Annexure
P-3) passed by respondent No.2 and resumption order dated 13.2.2001
(Annexure P-2) passed by respondent No.3.

The brief facts of the case of the petitioner are that he being highest bidder was allotted plot No.2 measuring 509.38 square yards in Industrial Area, Panipat vide allotment letter No.1555 dated 28.4.1988 (Annexure P-1). The petitioner deposited 10% of the total bid amount at the time of auction and he deposited remaining 15% of the bid amount vide cheque No.059220 dated 27.5.1988. The respondents failed to hand over possession of the plot within stipulated period of 90 days from the date of allotment. The respondents also failed to develop Industrial Area, Panipat and no basic amenities were provided as had been promised by them at the time of the auction. The petitioner was always ready and willing to deposit the balance amount despite the fact that respondents never offered physical possession of the plot to him. The aforesaid plot was illegally resumed by the authorities vide order dated 13.2.2001 (Annexure P-2) without granting any opportunity of hearing to the petitioner. The appeal filed by the petitioner before the Appellate Authority was dismissed in a mechanical manner vide order dated 9.8.2001 (Annexure P-3). On this, the petitioner approached District Consumer Disputes Redressal Forum, Panipat (in short 'Consumer Court'), which passed order dated 3.10.2007 (Annexure P-4) in his favour. The appeal preferred by the State against the said order was allowed by State Consumer Disputes Redressal Commission, Haryana at Panchkula (in short 'State Commission') vide order dated 20.4.2012 (Annexure P-5). Then the petitioner moved Civil Court but his suit was dismissed on 8.7.2015 vide judgment (Annexure P-6). The appeal filed against the said judgment was dismissed as withdrawn on 6.3.2019 vide order (Annexure P-7). The petitioner also filed revision petition against the

resumption order (Annexure P-2), but the same was dismissed vide order dated 10.2.2020 (Annexure P-8). The petitioner has impugned orders Annexure P-2, Annexure P-3 and Annexure P-8.

Mr. Ankur Mittal, Additional Advocate General, Haryana who was having advance copy of the petition appeared on behalf of the respondents and assisted the Court.

The counsel for the petitioner, while arguing the matter reiterated the facts of the case as detailed in the petition and which have been briefly described hereinabove. The counsel for the petitioner has *inter alia* challenged the impugned orders on the ground that the area was not developed by the respondents and they failed to handover the possession of the plot in question to the petitioner within stipulated period and no civic amenities were provided by the respondents to the allottees of the plots in the Industrial Area, Panipat.

The counsel for the petitioner further contended that the resumption order (Annexure P-2) was passed in violation of the principles of natural justice and it was challenged before the Appellate Authority, however the appeal was dismissed in a hasty manner without following the proper procedure. On which, the petitioner lodged complaint in Consumer Court and the same was allowed. However, the appeal filed by the respondents was accepted with liberty to the petitioner to approach the Civil Court. Accordingly, the petitioner approached the Civil Court, but his suit was dismissed. His appeal was dismissed as withdrawn with liberty to avail legal remedy before the appropriate authority as per law. Then the petitioner filed

revision petition but the same was also dismissed by respondent No.1 without assigning any reason.

The counsel for the petitioner submitted that present petition is not suffering from any delay. Earlier, the petitioner kept on litigating in the Courts having no jurisdiction to deal with the matter. The counsel for the petitioner referred to Section 14 of the Limitation Act, with prayer for exclusion of time of proceeding *bona fide* in Courts without jurisdiction.

The counsel for the petitioner in the end submitted that present case is not the one where extreme step of resumption of plot ought to have been resorted to by the respondents.

We have considered the submissions made by the counsel for the petitioner as well as State counsel.

The genesis of the issue starts with the passing of resumption order dated 13.2.2001 (Annexure P-2). The petitioner repeatedly approached different Forums to challenge the resumption order. Firstly, he filed statutory appeal, then he approached Consumer Court and then he filed civil suit and then he again filed revision before the statutory authority, on the basis of same cause of action. However, he remained unsuccessful in getting any relief. Now, it is his fifth attempt to present the same cause of action by invoking writ jurisdiction of this Court and that too after lapse of about 20 years.

Further, the resumption order (Annexure P-2) was passed as the petitioner did not care to deposit the outstanding dues despite being asked to do so, repeatedly. The statutory appeal filed against the resumption order

was decided on merits by the Appellate Authority vide order dated 9th August, 2001 (Annexure P-3). In 2007, the petitioner approached Consumer Court and his complaint was accepted. However, the appeal filed by the State was allowed by State Commission vide Annexure P-3 with liberty to the petitioner to avail appropriate remedy before the Civil Court or competent authority. Civil suit filed by the petitioner was dismissed on merits by the Civil Court. The Civil Court in its judgment (Annexure P-6) clearly observed that there was nothing on file produced by the plaintiff (petitioner herein) to show that during 10 years, he had tried to make the payment of remaining installments. In **Dalip Singh and Others vs. State of Haryana and Others, 2018(4) R.C.R. (Civil) 925**, the Hon'ble Apex Court has held that '*the Court can interfere with the revocation of resumption of land only if executive has not carried out its duty or acted in violation of procedure*'. However, the petitioner has failed to establish any such violation or dereliction of duty on the part of authorities in the present case.

We have also gone through order (Annexure P-8) passed by the Principal Secretary to Government of Haryana, Town & Country Planning Department, Chandigarh. The opportunity of hearing was given to the petitioner before passing the same and it is a speaking order. All the grounds taken by the petitioner in the present writ petition, have been dealt in detail in the said order. The counsel for the petitioner failed to bring to the notice of this Court any legal infirmity in the order (Annexure P-8).

Furthermore, we are of the view that repetitive filing of petitions by the petitioner before the different Forums with the same cause of action, is nothing but an abuse of the process of law.

For all the aforementioned reasons, there is no merit whatsoever in the writ petition and it is dismissed as such.

25.2.2021
Gaurav Sorot

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No