

112

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

CWP-14583-2021

Date of Decision: 06.09.2021

R. K. AHUJA

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioner.

* * *

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant writ petition has been filed in the year 2021 assailing an order dated 20.1.1998 (Annexure P-3) whereby booth of the petitioner was resumed. Further challenge in the petition is to the order dated 26.4.2017 (Annexure P-7) in a revision petition that had been preferred by the petitioner.

Writ petition had come up for preliminary hearing before this Court on 4.8.2021 and upon noticing that there were many missing links in the chain of events and circumstances, the following order was passed

by us:-

“Challenge in the instant petition is to an order dated 26.4.2017 (Annexure P-7) passed by the Revisional authority i.e. Principal Secretary to Govt of Haryana, Town and Country Planning Department in respect of Booth No. 32, Sector 21-A, Faridabad.

We find that counsel would have to clarify certain issues and for which he is directed to place the following documents on record.

i) Apparently an order of resumption of booth in question had been passed by the competent authority on 20.1.1998. Counsel to place on record copy of the statutory appeal that he had preferred (if any) against the order of resumption.

ii) The order passed by the appellate authority in case an appeal had been preferred against the order of resumption.

iii) To place on record the order against which the revision petition under Section 17(8) of the HUDA Act, 1977 had been preferred and which has led to the passing of the impugned order dated 26.4.2017 (Annexure P-7).

Needful be done within a period of two weeks.

List on 6.9.2021.”

The documents as noticed in the order dated 4.8.2021 have not been placed on record. Rather counsel concedes that against the order of resumption passed on 20.1.1998 (Annexure P-3), the statutory remedy of appeal had not been availed of.

Perusal of the impugned order dated 26.4.2017 (Annexure P-7) passed by the Principal Secretary to Govt. of Haryana, Town and Country Planning Department i.e. the Revisional authority would also show that the petitioner had tried to misrepresent that the resumption order has been challenged whereas a view was taken that such order of

resumption passed in the year 1998 had already attained finality.

Confronted with a situation where this Court was not inclined to intervene, counsel seeks withdrawal of the writ petition.

Dismissed as withdrawn.

(TEJINDER SINGH DHINDSA)
JUDGE

06.09.2021

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No