

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

CWP-21830-2020

Date of Decision : 21.01.2021

Ajit Sahgal

..... Petitioner

Versus

Haryana Shehri Vikas Pradhikaran and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present : Mr. Gaurav Bakshi, Advocate
for the petitioner.

Ms. Shubhra Singh, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral)

Petitioner has approached this Court for quashing of the order dated 13.10.2020, passed by the Chief Administrator, HSVP, Panchkula which has been communicated to the petitioner vide letter dated 19.10.2020 (Annexures P-14) whereby the request of the petitioner has been rejected in pursuance of the direction issued by this Court vide order dated 25.08.2020 in CWP-12038-2020 titled as **Ajit Sehgal vs. State of Haryana and others.**

It is the contention of the learned counsel for the petitioner that the petitioner is entitled to the benefit of the policy relating to exchange of plots, issued by the Chief Administrator, Haryana Shehri Vikas Pradhikaran, Panchkula (in short 'HSVP') dated 18.02.2013 (Annexure P-11). He contends that the petitioner, who has stepped into the shoes of the original allottee by purchase of the alternative plot accepted by him and, therefore, would be entitled to the benefit of the said policy. He, thus, contends that the order dated 13.10.2020, passed by the Chief Administrator, HSVP,

Panchkula (Annexure P-14) is unsustainable and deserves to be set aside.

This contention of the learned counsel for the petitioner cannot be accepted in the light of the fact that the original allottee had accepted the allotment of alternative plot No.2267-P, Sector 57, Gurugram and had paid the dues to HSVP, Panchkula including the amount for the excess area. As per the policy, the original allottee being satisfied with the alternative plot, took the physical possession of the said plot and conveyance deed was also executed in his favour. It is, thereafter, that the petitioner had purchased this plot from the original allottee. Petitioner being very much aware of the fact with regard to the plot which he was purchasing cannot now turn around and claim entitlement to the benefit of the original plot which was allotted to the original allottee i.e. Plot No.2416P, Sector 57, Gurugram. Further we do not find the policy relating to exchange of plot dated 18.02.2013 (Annexure P-11)) being applicable to the case of the petitioner in the light of the fact that the said policy is only limited to the allottee and further none of the clauses of the policy provide for it once alternative plot has been accepted and allotted. Petitioner having purchased a particular plot knowing fully well that the said plot has been received by the original allottee and had sold the same, petitioner would not be entitled to the benefit of the said policy. The impugned order dated 13.10.2020 (Annexure P-14), passed by the Chief Administrator, HSVP, Panchkula cannot be said to be without any basis or in accordance with the policy of the respondents.

The plea raised by the counsel for the petitioner is that some other persons have been permitted the exchange of the plot and thereafter the original plot has been re-allotted but this plea of the learned counsel for the petitioner cannot be accepted as any illegality having been committed by

the respondents would not confer right upon the petitioner and Article 14 cannot be pressed into service for such a relief as has been sought to be claimed by the petitioner.

In the light of the above, finding no merit in the present writ petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

21.01.2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No