

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

CWP No.24389-2021 (O&M)

Date of Decision:10.12.2021

The Paramount Educational & Welfare Society

.....Petitioner

Versus

Haryana Shehri Vikas Pradhikaran and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present:- Mr. Ajit Kumar Sinha, Sr. Advocate with
Mr. Animesh Sharma, Advocate for the petitioner.

Mr. P.S. Chauhan, Advocate for respondents.

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.

Challenge in the instant petition is to the resumption order dated 20.08.2021 (Annexure P-21) passed by the Estate Officer-II, HSVP, Gurugram, as regards a Nursery School site (near Plot No.208), Sector 45, Gurugram ad measuring 0.20 acres.

Learned Senior counsel apart from raising various grounds towards mounting a challenge to the resumption order has taken a specific plea that there has been a violation of the principles of natural justice inasmuch as no notice or opportunity of hearing had been granted prior to issuance of the same.

This Court had confronted learned Senior counsel to the

recital in the impugned order of resumption itself to the effect that a notice for hearing under Section 17 (4) of the Haryana Shehri Vikas Pradhikaran Act, 1977 (hereinafter to be referred to as the '1977 Act') had been issued vide office memo dated 09.07.2020, contemplating an opportunity of personal hearing on 17.07.2020 at 11.00 AM but neither any representative of the society appeared on the date fixed and nor was any reply filed.

Learned Senior counsel has attempted to meet such objection by advertng to the averments made in paragraphs 21 and 23 (d) and (f).

Be that as it may the petitioner has an alternate remedy of appeal against the impugned resumption order under Section 17 (5) of 1977 Act.

Since an advance copy of the writ petition had already been served upon the respondent-Pradhikaran, Mr. P.S. Chauhan, Advocate has joined proceedings and takes a fair stand that in case a statutory appeal is filed by the petitioner-society against the order of resumption, the same would be decided on merits in an expeditious manner. He further makes a statement that till such time the statutory appeal is not decided, the order of resumption would not be given effect to.

In the light of such categoric stand taken on behalf of the respondent-Pradhikaran, there would be no occasion for this Court to go into the validity and legality of the impugned resumption order dated 20.08.2021 (Annexure P-21).

Writ petition is disposed of.

It is directed that in case the petitioner-society prefers a

statutory appeal under Section 17 (5) of the 1977 Act within a period of 21 days.

SHWETA
2021.12.15
I attest to the accuracy
of this order

two weeks from today, the appellate authority would take up the same and take a decision on merits within a period of four weeks thereafter and after affording an opportunity of personal hearing to the authorized representative of the petitioner-society.

It is further directed that in case the petitioner society chooses to avail the statutory remedy of appeal within the stipulated time frame, the order of resumption would be held in abeyance till the final order to be passed by the appellate authority.

In the eventuality of the appeal being rejected, the order of resumption would be held in abeyance for a further period of two weeks thereafter.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

10.12.2021
shweta

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