

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

**CWP-25751-2021 (O&M)
Date of Decision:22.12.2021**

Surender Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present:- Mr. Sahil Gupta, Advocate for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana.
Mr. P.S. Chauhan, Advocate for respondent/HSVP.

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.

Brief facts emanating from the pleadings on record are that the petitioner was allotted plot No.436 admeasuring 3 Marlas at Asawarpur, RGES, Sonipat, under the oustee quota vide allotment letter dated 18.03.2019.

It has been asserted that at the time of allotment, petitioner had deposited a sum of Rs.50,000/- towards security amount and subsequently a sum of Rs.1,90,000/- to make good 25% of the tentative cost of plot. The balance 75% amounting to Rs.7,00,000/- approximately was to be paid within 60 days from the issuance of the allotment letter.

Apparently petitioner did not deposit the balance amount and

by virtue of Clause 4 of the allotment letter the respondents proceeded with an action of cancellation and the earnest money deposited was forfeited.

We find that the petitioner has availed of his statutory remedy of appeal. Copy of the appeal dated 27.10.2021 has been placed on record and appended as Annexure P-7 alongwith the writ petition.

Categoric submission advanced by counsel is that the appeal is still pending consideration. He further contends that the petitioner was hard pressed at the relevant point of time and on account of which the balance payment of 75% could not be made. However, petitioner is now ready and willing to pay the entire balance amount upfront alongwith the applicable penalty and interest.

Counsel further makes a submission that such ground has even been taken in the statutory appeal at Annexure P-7.

Since and advance copy of the petition has also been served upon respondent, Mr. P.S. Chauhan, Advocate, has joined proceedings and makes a statement that the appeal at Annexure P-7 would be decided on merits expeditiously and in any case within a period of four weeks from today.

Statement is accepted.

No further directions are required to be passed.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

22.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No