

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

CWP-21203-2021(O&M)

Date of Decision:10.01.2022

Jitender Kumar Jain

.....Petitioner

versus

**Administrator, Haryana Shehari Vikas Pradhikaran,
Rohtak and others**

....Respondents

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

Present: Mr.Gaurav Bakshi, 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.

The instant writ petition has been filed raising a rather innocuous prayer for issuance of a mandamus directing the 1st respondent i.e. the Administrator, Haryana Shehri Vikas Pradhikaran (HSVP), Rohtak to decide an appeal dated 10.05.2019 that is stated to have been filed by the petitioner against an order of resumption pertaining to residential plot No.1968, Sector 23, Sonipat.

Having heard counsel at length and having perused the pleadings on record we find that the instant petition is wholly misconceived.

Placed on record at Annexure P-3 is a detailed judgment dated 22.04.2014 passed by a Division Bench of this Court in CWP No.7280 of 2014 that had been preferred by the petitioner herein assailing the action of the respondents whereby the plot in question had been resumed. Specific orders under challenge in the afore-noticed writ petition were resumption

order dated 25.10.1995 as also the order dated 24.07.1996 passed by the Appellate Authority affirming the action of resumption. Further more, even the revision petition preferred by the petitioner under Section 17(8) of the Haryana Urban Development Authority Act, 1977 had been dismissed vide order dated 28.02.2014.

The Division Bench in the judgment dated 22.04.2014 (Annexure P-3) had taken a view that the impugned orders have been correctly passed and on the basis of cogent and valid reasons. Accordingly the writ petition preferred by the petitioner had been dismissed.

Instant writ petition is seen by us as an attempt to rake up the entire issue afresh. The so called appeal dated 10.05.2019 (Annexure P-4) is not on the strength of any statutory provision but counsel would explain the same to be a mercy appeal.

We fail to understand how such a appeal would be maintainable subsequent to the action of resumption having been upheld by this Court.

The instant petition is nothing but an abuse of the process of Court.

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

Dismissed as withdrawn.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

10.01.2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No