

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

CWP-26537-2021 (O&M)

Date of Decision: 15.02.2022

Dharambir @ Dharamvir

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

HON'BLE MR. JUSTICE LALIT BATRA

Present:- Mr. Sandeep Siwach, Advocate for
Mr. Ashish Gupta, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

Instant writ petition has been filed seeking a mandamus directing the respondents-Haryana Shehri Vikas Pradhikaran, to permit the petitioner to deposit the remaining amount in respect of plot No.33, Sector 30, Pinjore.

An additional prayer raised in the petition is that direction be issued to the respondent-Pradhikaran to allot in favour of the petitioner an alternative plot in the light of a policy dated 18.02.2013 (Annexure P-1). It is argued by learned counsel that after the initial allotment of the plot in question, 25% of the sale consideration amount had been deposited. On account of certain unavoidable circumstances the balance 75% could not be made good and accordingly petitioner had submitted an application for surrender of the plot. Such request was acceded to and as a consequence thereof, 15% amount deposited by the petitioner was refunded and 10%

amount was forfeited. Counsel submits that the petitioner on account of changed circumstances is now in a position to deposit the balance amount and as such directions be issued to the respondent-Pradhikaran to permit him to deposit the balance amount of 75% in respect of the plot in question. Insofar as the second prayer is concerned for allotment of an alternative plot, counsel upon a specific query having been raised concedes that the policy dated 18.02.2013 (Annexure P-1) would have no applicability to the facts and circumstances. The claim for an alternative plot is only to be considered if there be a dispute qua the plot that had been allotted.

Counsel has been candid to concede that in the facts of the present case there was no dispute pertaining to plot No.33, Sector-30, Pinjore and it was the petitioner himself who was a defaulter in not having made good the balance payment after the initial deposit of 25% of the sale consideration amount.

In view of the above, the prayer of the petitioner for allotment of an alternative plot does not survive.

Having heard counsel at length, we find that even the directions sought for permitting the petitioner to deposit the remaining amount for the plot in question is wholly mis-conceived.

As per the projected case of the petitioner himself, after the initial allotment of the plot in the month of January 2015, only 25% of the sale consideration amount had been deposited. The balance had not been paid. This led to the filing of the request by the petitioner himself

seeking surrender of the plot. The same was accepted and 15 % of the amount deposited was refunded to him. In other words petitioner ceases to be an allottee pertaining to the plot in question.

The prayer for permitting the petitioner to deposit the balance amount under such circumstances cannot be accepted.

There is no merit in the instant writ petition.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

15.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No