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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.7509 of 2023 (O&M)
Date of Decision: 17.04.2023

Sanjay Singh

V/s.

State of Haryana and Others

..... Petitioner

.....Respondents

CORAM: **HON'BLE MR. AUGUSTINE GEORGE MASIH**
HON'BLE MR. HARPREET SINGH BRAR

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

Ms. Monica Chawla, Advocate and
Mr. Anil Chawla, Advocate for respondents-HSVP.

Augustine George Masih, J. (Oral)

The challenge in the present writ petition is to the order dated 08.02.2023 (Annexure P-4) passed by the Additional Chief Secretary to Government of Haryana, Town and Country Planning, Haryana whereby the revision petition filed by the petitioner against the order of the Administrator, Haryana Shehari Vikas Pradhikaran (HSVP), Hisar (respondent No.3) dated 08.07.2022 (Annexure P-3) stands dismissed and as a result thereof, the resumption order dated 29.11.2017 passed by the Estate Officer, HSVP, Hisar (respondent No.4) stands confirmed.

What has been asserted by learned counsel for the petitioner is that the petitioner was unable to deposit the amount as per the date(s) fixed for installments for the reason that his parents, who are of old age, were suffering from old age ailments. He also asserted that some other persons, who were also unable to make the payment as per schedule, have been granted the benefit of depositing the same alongwith penal interest whereas the discrimination has been asserted qua the petitioner.

Submission has also been made that the petitioner is needy and willing to pay the total amount due including penalty and other charges. Prayer

has thus, been made for setting aside the resumption order as also the consequential orders passed in the appeal as well as in the revision petition. Prayer has thus been made that the impugned order may be set aside and the present writ petition be allowed.

The submission as having been made by the learned counsel for the petitioner does not find any ground for exercising extra-ordinary jurisdiction. At the time of allotment of the plot, the details with regard to the terms and conditions of the plot allotment were known to the petitioner. Once a contract has been entered into, the parties are bound by the same. Nothing has come on record which would indicate that any of the terms and conditions of the allotment has been violated by the respondent(s), whereas qua the petitioner, it is the position that the installment(s) due, has not deposited by the petitioner except for the initial amount of 25%. It was made clear in the allotment letter that in case of default on the part of petitioner in making payment of installments, resumption would follow.

It is the case of the respondents that the HSVP, Hisar has given an opportunity of hearing to the petitioner and had given notices, under Sections 17(1), 17(2), 17(3) and 17(4) of HSVP Act. The petitioner did not even bother to reply to the said notices. Even the penalty as imposed by the respondents has not been paid. The reason as assigned for non deposit of the installments is not reflected from any of the communications, which would have been addressed by the petitioner to the respondent(s). It appears that the plea which has been taken, at this stage, is an after-thought, after the passing of the resumption order. None of the specific provisions has been violated by the respondent(s). The plea taken by the petitioner does not persuade this Court to exercise its extra-ordinary jurisdiction. Reliance has also been made by the authorities-respondents on the

judgment passed by the Hon’ble Supreme Court in case SLP(C) No.14864 of 2013 titled as “Sumitra Jain Vs. State of Haryana” decided on 29.04.2013 wherein it has been held that the allottee is bound to make payment of installments in time as per the terms and conditions of the allotment letter and the payment of the installments cannot be withheld on the ground of non development or on the ground of without any justifiable reasons.

Further, it may be added here that the appeal preferred by the petitioner against the order of the resumption was after a period of more than 03 years which was one of the grounds for dismissal of the appeal by the Appellate Authority vide order dated 08.02.2023. This also persuades this Court not to exercise extra-ordinary writ jurisdiction in favour of the petitioner.

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

(AUGUSTINE GEROGE MASIH)
JUDGE

17th April, 2023
Sonia Puri

(HARPREET SINGH BRAR)
JUDGE

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