

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

(120)

Neutral Citation No.2023:PHHC:118149-DB

CWP-19831-2023

Decided on : 06.09.2023

Sunil Gupta

.....Petitioner(s)

Versus

Haryana Shehri Vikas Pradhikaran and another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present:- Mr. Sunil Gupta, petitioner in person.

Mr. Deepak Sabherwal, Advocate for the respondent-HSVP.

G.S. Sandhawal, J.

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the order dated 25.04.2023 (Annexure P-20/A) wherein the revision petition filed by the petitioner under Section 17 (8) of the Haryana Shehri Vikas Pradhikaran Act, 1977 (for short '1977 Act') was dismissed by the Additional Chief Secretary to Government of Haryana, while upholding the resumption of SCF No.52, Sector-3, Faridabad which was due to the non-payment of outstanding dues as per the terms and conditions of the allotment letter.

2. It was noted that the refundable amount in respect of the SCF in question was refunded to the petitioner more than 20 years ago and possession of the SCF was with the HSVP. The allottee had failed to make the payment of outstanding dues as per prescribed schedule which had led to the passing of the resumption order and accordingly no relief was granted. The said order has upheld the appeal order dated 23.06.2022 (Annexure P-19/A) whereby it was noted that earlier an appeal had been dismissed on 15.04.2005 and resultantly it was held that the second appeal was not maintainable.

3. A perusal of the paper-book would go on to show that as per the allotment letter dated 10.04.1996 (Annexure P-3) the petitioner was allotted the said SCF in question for a sum of ₹12,05,000/-. He was to deposit a sum of ₹1,80,750/- in order to make good the 25% price of the said plot and thereafter was to pay the balance amount of ₹9,03,750/- along with interest in eight half yearly installments. Apparently, show cause notice was issued to the petitioner on 22.11.1996 (Annexure P-5) under Section 17 (1) & (2) of the 1977 Act as to why penalty of ₹4,047/- be not imposed upon him on account of arrears of ₹40,475/- which were outstanding. Similar notice was also issued on 01.09.1998 (Annexure P-6) wherein on account of demand of ₹6 lakhs, penalty of ₹60,000/- was proposed. Apparently, only the penalty amount was paid plus ₹1 lakh. Another show cause notice was issued on 08.03.1999 (Annexure P-9) demanding ₹7,81,290/- which was inclusive of penalty of ₹42,500/-. Resultantly, show cause notice under Section 17 (3) of the 1977 Act was issued on 03.09.1999 (Annexure P-10) as to why order of resumption be not passed which led to deposit of ₹1 lakh on 03.01.2000 (Annexure P-11). He was asked to appear in person on 20.12.2000 and proceedings were then adjourned. Eventually, the resumption order was passed on 02.02.2001 (Annexure P-14) by noting that since ₹11,38,500/- were due against the petitioner, forfeiture of the amount of 10% as deposited by the petitioner was done and the balance of ₹4,95,059/- was refunded vide cheque dated 15.05.2001.

4. The appeal apparently had been dismissed on 15.04.2005. The petitioner thereafter apparently filed civil suit which would be clear from the pleadings that he was misguided and instead of filing a revision

and the plea taken is that he was misguided firstly to file an RTI application and then to file civil proceedings, which were apparently decided against him on 08.03.2017. Second appeal was filed on 13.11.2021 which has been dismissed as not maintainable on 23.06.2022 (Annexure P-19A) as noticed above and eventually led to filing of the revision petition.

5. We are of the considered opinion that the right as such of the petitioner to prosecute the said proceedings had come to an end on 15.04.2005, since the appeal had been dismissed and had become final. Thereafter filing a revision petition against the second appellate order would not revive the cause of action for him by raising fresh grounds against a revisional order. The procedure as laid down has been followed by the respondent-authority as discussed above and in the absence of any statutory violation, we are of the considered opinion that no case is made out to interfere in the impugned order, since after forfeiting the amount, the authority had also refunded the amount to the petitioner of ₹4,95,059/- on 15.05.2001.

6. Resultantly, we do not find any tangible reasons as such to interfere in the impugned order under our extra-ordinary writ jurisdiction. The writ petition is, accordingly, dismissed.

(G.S. SANDHAWALIA)
JUDGE

06.09.2023
Naveen

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No