

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

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2023:PHHC:052399-DB

Civil Writ Petition No.32860 of 2019

Date of Decision: April 10th, 2023

Neelam

...Petitioner

Versus

Chief Administrator, Housing Board Haryana, Panchkula and another

...Respondents

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

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 25.07.2018 (Annexure P-6) passed by the Chief Administrator, Housing Board Haryana-respondent No.1 and the order dated 09.05.2018 passed by the Estate Manager, Housing Board Haryana-respondent No.2 vide which the allotment made in favour of the original allottee i.e. Neelam, the petitioner herein, was cancelled.

2. It is the contention of the learned counsel for the petitioner that the General Power of Attorney dated 11.06.2014 was duly executed by the petitioner in favour of Kamaljeet Singh son of Amrik Singh. Counsel contends that the notice which has been issued to the petitioner namely Neelam on non-deposit of the instalments could not be actually served upon the person who was entitled to the plot on the basis of the General Power of Attorney. His assertion is that the General Power of Attorney namely Shri Kamaljeet Singh, who had preferred an appeal against the order of cancellation, should have been served with the notice and further it is asserted that the appeal has been dismissed by the Chief Administrator vide

order dated 25.07.2018 (Annexure P-6) on the ground that the General Power of Attorney did not confer any title and the said appeal would not be maintainable. He on this basis asserts that the impugned order of cancellation of the plot in favour of the petitioner cannot sustain.

3. Having considered the submissions made by the counsel for the petitioner, we are not inclined to accept the said contention as it is a settled proposition of law by the Hon'ble Supreme Court in *SLP (C) No.13917 of 2009* titled as *Suraj Lamps & Industries Pvt. Ltd. Versus State of Haryana & Anr.* that the General Power of Attorney does not confer any title. It is also not in dispute that the General Power of Attorney which was executed in favour of Kamaljeet Singh was never brought on records of the respondents, therefore, there is no question of any notice having been served upon the General Power of Attorney in case of default in payment of instalments. The original allottee i.e. Neelam (petitioner herein) was duly served with the notice as prescribed under the rules. Despite the said notice having been served, petitioner did not deposit the requisite instalments. The assertions of the counsel for the petitioner i.e. the fine could not have been imposed by the respondents also cannot be accepted in the light of the fact that there was no such effort made by the petitioner. The appeal which has been preferred is through a General Power of Attorney, which has rightly been dismissed by the Appellate Authority. Another aspect which has been highlighted in the impugned order is that the allottee i.e. the petitioner is a resident of Sonapat while the General Power of Attorney holder is resident of Delhi and above all, the General Power of Attorney has been registered in Noida (U.P.), whereas the property is situated in Haryana. All these have indicated that the General Power of Attorney as has been sought to be

asserted as a ground and basis for putting forth the claim in the appeal is a doubtful document. The order as has been passed by the respondents is based upon the principle of non-payment of the instalments on time and that too after having been issued the notice still no remedial steps were taken. The order being in accordance with the statutory provisions and the rules governing the terms and conditions of the contract which was the allotment letter, as had been accepted by the petitioner, therefore, do not call for any interference in the present writ petition.

4. The impugned orders being in accordance with law are upheld and the writ petition dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

April 10th, 2023
Puneet

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No