

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
112**

**CWP-26662-2022**

**Date of decision: February 06, 2023**

**DEV SAHAY**

**.....PETITIONER**

**Versus**

**STATE OF HARYANA AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Umesh Narang, Advocate,  
for the petitioner.

Mr. Deepak Sabharwal, Advocate,  
for respondents No. 2 and 3-HSVP.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approached this Court challenging the order of resumption dated 29.04.2003 (Annexure P-3), whereby the booth, which was allotted to the petitioner, was resumed for non-payment of the amount but was restored subject to full payment by the Revisional Authority, which, unfortunately, the petitioner did not do. Auction has also been challenged dated 07.11.2022 (Annexure P-11) of the booth i.e. Booth No. 164, MDC, Sector-4, Panchkula, now for 23.11.2022.

A perusal of the pleadings clearly indicates that after the order passed by the Revisional Authority on 28.08.2004 (Annexure P-5) relating to the resumption of the booth, which was allotted to the petitioner, after the

appeal having been rejected by the Appellate Authority, petitioner was granted an opportunity to pay the amount within a period of six months, provided the petitioner deposited penalty of ₹3,000/- within a period of 15 days. Petitioner failed to deposit the said amount leading to the restoration of the order of resumption passed by the Administrator, HUDA, Panchkula.

The civil suit, which was preferred by the petitioner on 03.10.2005, was dismissed by the Additional Civil Judge (Senior Division) Panchkula vide order dated 26.05.2011 (Annexure P-6). Appeal preferred against the said order was dismissed by the Additional District Judge, Panchkula vide order dated 12.09.2013 (Annexure P-7). RSA No. 331 of 2014, as filed by the appellant, was withdrawn on 09.01.2018. The result of which is that the order of resumption had attained finality.

This petition has been filed again challenging the order of resumption dated 29.04.2003 (Annexure P-3), which, obviously, leads to a conclusion that the writ petition is not maintainable qua the challenge to the validity of the said order after the dismissal of the civil suit followed by the appeal and thereafter, the Regular Second Appeal to the High Court. That apart, the present writ petition has been preferred on 14.11.2022, which again is delayed.

Counsel for the petitioner, at this stage, has sought for refund of the amount, as has been deposited by the petitioner.

The said prayer cannot be accepted in the present writ petition for the simple reason that the petitioner has an alternative remedy but the same would also probably not be available to him at this belated stage.

Keeping in view the above facts, we do not find any ground for

interfering with the impugned orders or the present petition qua the relief, as  
has been sought to be projected by the petitioner.

The writ petition, therefore, stands dismissed.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**February 06, 2023**  
**PJ**

**(VIKRAM AGGARWAL)**  
**JUDGE**

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