



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA No.840 of 2024
Date of Decision: 31.07.2024

Vipul Aggarwal
.....Appellant.
Versus
The Deputy Commissioner, Gurugram
.....Respondent.

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Shadab Ahmad, Advocate
 for the appellant.

 Mr. Saurabh Mago, DAG, Haryana
 for the respondent.

G.S. SANDHAWALIA, J.(Oral)

Consideration sought in the present Letter Patent Appeal is
against the order dated 06.02.2024 passed by learned Single Judge in the
Civil Writ Petition No.24590 of 2023.

2. Admittedly, the said writ petition has been dismissed on the
ground that there was proceedings of the meeting of the Board of
Administrators of the Society held on 03.04.2023, whereby representation
of the appellant had been rejected as per agenda Item No.8. Learned Single
Judge had come to the conclusion that there was a prayer for direction to



hand over possession of the plot without laying any challenge to the order passed by the Board of Administrators and in the absence of any challenge to the said order, the direction, as sought in the petition cannot be granted and he dismissed the writ petition.

3. It is not disputed that on an earlier occasion, the appellant had filed the **Civil Writ Petition No.12326 of 2022**, whereby direction had been issued to respondent No.1 on 10.08.2022 (Annexure P-4) to decide the representation dated 04.05.2022 in accordance with law. In pursuance of the same, the Board of Administrators took a decision on 03.04.2023. It is also not disputed that the said decision was placed on record by way of compliance affidavit in **COCF No.861 of 2023**. The appellant has chosen not to assail the same and preferred to file the writ petition thereafter in October, 2023 for seeking direction to the respondent to hand over the possession of the plot and to execute the conveyance deed of the same.

4. We do not see any valid reason why the appellant has chosen the said course of action without impugning the order passed by the Board of Administrators of the Society. If the said order is detrimental or does not take into consideration any of the plea of the appellant or is not tenable in the eyes of law, it is for the appellant to assail it by challenging it in appropriate proceedings. Having not done so, learned Single Judge has rightly observed that no relief can be granted to him.

5. Faced with this situation, learned counsel for the appellant does not press the appeal and submits that liberty be given to the appellant to file a fresh writ petition.



6. Resultantly, we dispose of the present appeal with liberty to the appellant to take recourse to the second round of litigation by filing a fresh writ petition by challenging the order passed by the Board of Administrators, if legally permissible.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

July 31, 2024
Yag Dutt

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