



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 17380 of 2024

Date of decision: 05.08.2024

Rajesh Kant

.... Petitioners

Vs.

Punjab Urban Development Authority and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Arav Gupta, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Rajesh Kant) has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of an appropriate writ, order or direction, especially, in the nature of Certiorari quashing the relevant clause of payment of interest on instalments as embodied in Brochure, Annexure P/1, as well as in the Allotment Letter dated 28.12.2016, Annexure P/5, alongwith various demand lettes dated 14.03.2018, Ananexure P/15, dated 26.08.2019, Annexure P/20, dated 26.08.2020, Annexure P/21, dated 29.09.2020, Ananexure P/22, dated 08.03.2021, Annexure P/23, dated 26.07.2021, Annexure P/24 and dated 25.03.2022, Annexure P/26, issued by Respondent No.2, whereby the illegal and arbitrary demand of payment on account of interest has been raised from the petitioner, the same being in violation of Respondents' own Policy dated 02.09.2015 Annexure P/8, Respondents' own letter dated 29.11.2017, Annexure P/13, decision taken on 02.01.2017 and speaking order dated 20.09.2018, Annexure P-10, passed by Respondent No.1 in relation to Amritsar Development Authority, Amritsar, speaking order dated 29.09.2020,



Annexure P/19, passed in pursuance to order dated 15.01.2020, Annexure P/11, CWP No.26000 of 2017; Harish Chander Gandhi and others versus The State of Punjab and Others as well as other decision as rendered by this Hon'ble Court wherein it has been held that no interest shall be charged from the allottees till the time possession of plot is given to him thereby, making the action of the respondents in violation of fundamental and constitutional rights of the petitioner under Articles 14, 21 and 300-A of the Constitution of India;

AND

for issuance of an appropriate writ, order or direction, especially, in the nature of Certiorari quashing the order dated 01.06.2023 passed by Respondent No.1, Annexure P/27, whereby the appeal filed by the petitioner against the decision dated 25.03.2022, Annexure P/26, of Respondent No.2 has been dismissed in a totally mechanical and arbitrary manner without discussion and evaluating the true and factual position of the case and the policy letters issued by the respondent authorities alongwith various judicial pronouncements which bar the respondent authorities from charging any interest from the allottees till the time actual possession of plot is given to the allottees;

AND

for issuance of an appropriate writ, order or direction, especially, in the nature of Mandamus directing the respondents to take the date of possession of plot as actual date of possession to the petitioner after the alternative plot bearing No.46 was allotted to the petitioner in lieu of the original as the original plot no.75 allotted to the petitioner was under litigation vide letter dated 11.12.2018 (Annexure P/18);

AND

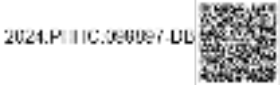


for issuance of an appropriate writ, order or direction, especially in the nature of Mandamus directing the respondents to pay interest at the rate of 12% per annum on the amount deposited by the petition on account of delay in delivery of possession beyond 18 months, as decided and provided in decision taken on 02.01.2017 and speaking order dated 20.09.2018, Annexure P/10, passed by Respondent No.1 in relation to Amritsar Development Authority, Amritsar.”

Learned counsel for the petitioner submits that the petitioner was served with a communication dated February 24, 2023, as also March 25, 2022 (P-26), vide which he was required to pay Rs.21,20,928/- as regards pending installments, with penal interest, after being exempted Rs.2,20,437/-, with respect to plot No.46, PUDA Enclave-2, Rajpura Colony, near Bus Stand, Patiala. He submits that aggrieved by the demand raised by the respondent authorities, the petitioner preferred an appeal under Section 45 (6) of the Punjab Regional Town Planning and Development Act, 1995 (the Act), which has since been dismissed by the Chief Administrator, Patiala Development Authority (PDA), vide impugned order dated June 01, 2023 (P-27).

After we had heard the matter at some length, learned counsel for the petitioner fairly points out that, in fact, the order passed by the Appellate Authority, dated June 01, 2023 (*ibid*), was/is revisable under sub-section 8 of Section 45 of the Act. But, revision against the order was required to be preferred within 30 days from the date of communication of the said order.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, Additional Advocate General, Punjab, is present in Court on behalf of the respondents. At the outset, he submits that in the wake of the issues that are sought to be raised and particularly order dated June 01, 2023 that is being impugned, it would be expedient if the petitioner avails the remedy in terms of sub-section 8 of Section 45 of the Act by filing a revision before the State Government. As regards delay, he submits that the petitioner shall be at liberty to move an appropriate application seeking condonation of delay in filing the revision. And, in the event any such revision, accompanied by an



application for condonation of delay, is filed the competent authority shall consider/examine the matter in the right earnest and pass necessary orders in accordance with law.

That being so, learned counsel for the petitioner submits that he be permitted to withdraw the petition to enable the petitioner to file a revision in terms of Section 45 (8) of the Act.

Dismissed as withdrawn with the liberty prayed for.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

05.08.2024
deepak

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