



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-18727-2023 (O&M)

Date of decision: 06.09.2024

Haryana Urban Development Authority now Haryana Shehri Vikas
Pradhikaran and another

...Petitioners

VERSUS

Shri Virender Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Dhananjay Mittal, Advocate for the petitioner.

Mr. Brijender Kaushik, Advocate for respondent No.1.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the award dated 26.11.2021 passed by the Permanent Lok Adalat (Public Utility Services), Panipat.

2. Briefly summarized facts of the present case are that the petitioner-Haryana Urban Development Authority (now Haryana Shehri Vikas Pradhikaran) had acquired the land owned and possessed by the applicant-respondent for development and utilization of Sectors 11-12, Part-I, Haryana Shehri Vikas Pradhikaran, Panipat and carved out residential and commercial plots in the acquired land in which the oustees have been given preference for the allotment of residential plots as per the scheme. Respondent No.1-applicant submitted an application, along with the necessary documents, for allotment of such plot but no intimation was given to him. It is claimed that respondent No.1-applicant was entitled for



allotment of a residential plot of 250 sq. yards i.e. 10 marla and that as the same was not allotted despite much lapse, he approached the Permanent Lok Adalat (Public Utility Services) Panipat for the said relief.

3. It was contended before the Permanent Lok Adalat (Public Utility Services) by respondent No.1-applicant that he had moved numerous applications and also deposited the application fee of Rs.50,000/-, which was duly received by the petitioner, in terms of the policy framed by the them and as per the decision passed by this Court in **LPA No.2096 of 2011** tiled as **HUDA Vs. Sandeep Singh and others** but still allotment was not done.

4. The petitioner Haryana Shehri Vikas Pradhikaran had raised an objection before the Permanent Lok Adalat (Public Utility Services) with respect to the rights and entitlement of the petitioner. On failure of the settlement proceedings, adjudication was undertaken by the Permanent Lok Adalat (Public Utility Services). On consideration of the evidence led by the respective parties, the Permanent Lok Adalat (Public Utility Services) ordered as under:

“7. Heard.

8. It has been argued by Sh. Mahender Singh Counsel for the petitioner that land in dispute was acquired by HUDA-respondents vide award no. 15 of 14/2/1979. Thereafter oustees policy dated 10.09.1987 was introduced vide which one plot was to be given to the oustee whose land was acquired by HUDA.

9. Sh. Mahender Singh Counsel for petitioner has stated



that that acquired land of petitioner was converted into Sector 11-12 of HUDA, Panipat, in which 279 plots are lying vacant, which has been told by Sh. Mahender Singh Advocate counsel for petitioner. As per Ex.P4, R.T.I. memo No.A-I-2016/7785 dated 20.9.16, vide which it has been informed that 293 plots are lying Sector in Sector 11-12 HUDA, Panipat and since last 34 years no advertisement of the vacant plots to be allotted to the oustees has been given by HUDA regarding all of the vacant plots to the oustees under the oustees policy dated 10.09.1987, although 293 plots have been lying vacant.

10. Sh. Mahender Singh Adv. Counsel for petitioner has further argued that vacant plots of the oustees now HUDA has framed a new Policy to sell the said plots in Public auction. Sh. Mahender Singh Adv. has stated that 1 kanal 3 marlas of land of the petitioner has been acquired by respondents-HUDA.

11. Sh. Sanjeev Bhatia Counsel for respondents has stated that petitioner has no vested right for allotment of plot as the Oustee Policy dated 10.09.1987 is the matter of said Policy.

12. Hence, in view of above discussion and as per the relevant rules of Ousteas Policy respondents shall treat the case of the petitioner for allotment of plot within one month from today on priority basis under Oustee Policy, as Policy and Rules are made to be complied with and not to be flouted.



As per the directions given by the Hon'ble Punjab and Haryana High Court in LPA No. 2096 of 2011 titled as HUDA V/s Sandeep and others which was allowed on 25.04.2021 with certain directions. One of the directions was that HUDA can reserve plots upto 50% of the total plots available for all reserved categories including that of Oustees. Relevant direction is reproduced below:

"...(III) HUDA or such other Authority can reserve plots up to 50% of the total plots available for all reserved categories including that of Oustees. As to what extent there would be reservation for the Oustees, is required to be decided by the State Government and/or by HUDA or any other Authority, who is entitled to acquire land...."

13 HUDA filed SLP No.27256 of 2021 against the order dated 25.04.2021 and the Hon'ble Supreme Court of India had dismissed the SLP No.27256 of 2012 filed by HUDA with regard to reservation. This SLP filed by HUDA was dismissed by the Hon'ble Supreme Court of India vide Order dated 06.03.2014.

14. In view of my aforesaid discussion, the petition is accepted with costs with direction to respondents-HUDA to treat the case of the petitioner for allotment of plot to him within one month from today on priority basis under relevant Rules and policy and order dated 06.03.2014 issued by the Hon'ble Supreme Court in the case titled as HUDA Vs.



Sandeep and others decided on 06.03.2024 (Supra)”.

5. Aggrieved thereof, the present writ petition has been filed.

6. Learned counsel for the petitioner contends that the value of the plot as in the year 2016-17 was approximately Rs.58,000/- per sq. meter and that the 10 marla plot, at that price, would be valued at around Rs.1.21 crores approximately (wrongly written as Rs. 1.46 crores). He thus contends that the Permanent Lok Adalat (Public Utility Services) had no pecuniary jurisdiction to entertain the said application and to adjudicate the same since the pecuniary jurisdiction of the Permanent Lok Adalat (Public Utility Services) has been confined at Rs. 1 crore.

7. Responding to the above, learned counsel appearing on behalf of respondentNo.1-applicant has contended that as per Section 21 of the Code of Civil Procedure, an objection with respect to the pecuniary jurisdiction cannot be raised at an appellate stage unless a specific objection had been raised at the time of proceedings before the Court of first instance. He contends that a vague and evasive plea, in response to the averment made by the petitioner regarding pecuniary jurisdiction had been raised by the petitioner-Haryana Urban Development Authority (now Haryana Shehri Vikas Pradhikaran) before the Permanent Lok Adalat (Public Utility Services). The same would not be taken into consideration as no evidence has been placed on record in support of the said objection. He contends that no evidence was also led by the petitioner before the Permanent Lok Adalat (Public Utility Services), on the basis whereof the objection of pecuniary jurisdiction could be established. He contends that the above said argument



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having been raised for the first time before this Court and is liable to be rejected.

8. A specific query was also put to the learned counsel for the petitioner as to whether any evidence was led by the petitioner regarding the specific objection raised about the actual value of the property. He fairly concedes that no such specific objection was taken with respect to the value of the property nor any evidence was led with respect to the value of the property before the Permanent Lok Adalat (Public Utility Services). A query has also been put to him as to whether respondent No.1-applicant was otherwise entitled for allotment of a plot as sought for by him, he fairly concedes that respondent No.1-applicant would otherwise be entitled for allotment of the plot as there is no dispute with respect to the entitlement of respondent No.1-applicant.

9. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record with their able assistance.

10. The Hon'ble Supreme Court had specifically held in the matter of Subhash Mahadevasa Habib Vs. Nemasa Ambasa Dharmadas, reported as 2007 (13) SCC 650, that the Civil Procedure Code has made a distinction between lack of inherent jurisdiction and objection to territorial jurisdiction and pecuniary jurisdiction. Whereas, an inherent lack of jurisdiction may make a decree passed by that court one without jurisdiction or void in law, a decree passed by a court lacking territorial jurisdiction or pecuniary jurisdiction does not automatically become void. An objection in



this regard is required to be taken before Court of first instance and a specific evidence in this regard is required to be led. Learned counsel for the petitioner has merely relied upon para No. 10 of the reply on merits which is vague and evasive in responding to the specific plea of the respondent No.1-applicant about the Permanent Lok Adalat (Public Utility Services) having pecuniary jurisdiction. There is no instance or document on record of Permanent Lok Adalat (Public Utility Services) referred to by the petitioner herein about establishing as to how the pecuniary jurisdiction of the Permanent Lok Adalat (Public Utility Services) would be barred. Moreover, on the specific query raised to the learned counsel for the petitioner, he fairly concedes that respondent No.1-applicant is otherwise entitled to the allotment of the plot and that there is no other objection with respect to the entitlement of such allotment.

11. Under the given circumstances, I am inclined to accept the submissions made by the learned counsel for respondent No.1-applicant. Once his right stands acknowledged the same cannot be denied to him. For the petitioner to succeed, it is required to be established that the award suffer from any illegality, perversity, impropriety or mis-appreciation of evidence. Undisputedly, the petitioner has led no evidence to establish the value of the property by leading any evidence, as on the date of filing of the application. The burden for establishing the objection lay on the petitioner and having failed to do so, it cannot still claim that its averment should be accepted and the need to prove be dispensed with.



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12. The writ petition is accordingly dismissed and the award dated 26.11.2021 passed by the Permanent Lok Adalat (Public Utility Services), Panipat in Case No.68/2017 titled as Virender Singh Vs. Haryana Urban Development Authority and another, is **affirmed**.

(VINOD S. BHARDWAJ)
JUDGE

06.09.2024
Mangal Singh

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