



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

CWP-21518-2024

Date of decision: 31.08.2024

Gaurav Jain

....Petitioner

Versus

The State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Kshitij Sharma, Advocate,
for the petitioner.

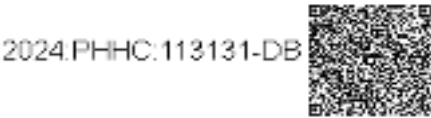
ARUN PALLI, J. (Oral)

Learned counsel for the petitioner submits that the petitioner was allotted a residential plot/site No.248, Sector 3, Urban Estate, Hisar, for Rs.11,01,600/-, vide letter of allotment dated 04.08.2009 (P-1). However, owing to a default in payment of Rs.1,93,423/-, the said site was resumed, vide order dated 12.12.2017 (P-9), passed by the Estate Officer, Hisar (respondent No.3). Being aggrieved, the petitioner preferred an appeal, which too was dismissed by the Appellate Authority, vide order dated 01.07.2022. Whereafter, he preferred a revision under Section(s) 17 (8) and 30 (2) of the Haryana Shehri Vikas Pradhikaran Act, 1977, before the Additional Chief Secretary, who, vide order dated 11.01.2023 (P-10), allowed the same. And the order of resumption was set aside, subject, however, to payment of entire dues. Accordingly, the Estate Officer, HSVP, was directed to communicate entire outstanding amount to the petitioner within one month from the date of the order, and correspondingly, he was required to remit the same, within two months thereafter, failing which, the order of resumption would stand revived. He asserts that post said order, the petitioner repeatedly represented to the respondent authorities, vide letters dated 17.04.2023 (P-11), 14.05.2024 (P-15) and 16.07.2024 (P-16), to apprise him of the precise outstanding dues he was under



obligation to deposit, in terms of the order passed by the Revisional Authority (*ibid*), but to no avail. In response, he submits that vide communications dated 12.05.2023 (P-12) and 12.06.2023 (P-13), the petitioner was informed that since the authorities were contemplating to assail the order dated 11.01.2023, the matter was pending before the Administrator, HSVP. Whereafter, the said order was assailed vide CWP-19880-2023 (P-14), which was dismissed by this Court on 11.09.2023, directing the authorities to comply with the order passed by the Revisional Authority (*ibid*), and communicate the amount to the petitioner, which he was required to deposit, within the time, as stipulated by the Authority. It is submitted that even though, a considerable time has elapsed, but the authorities have apparently failed to comply with the order dated 11.01.2023. For, to date, the petitioner has not been communicated the outstanding dues. So much so, prior to the institution of this petition, the petitioner had even served the respondent authorities with representations/letters dated 14.05.2024 (P-15) and 16.07.2024 (P-16), as regards his concerns/grievances, but, that too, failed to evoke any response. Accordingly, it is urged that if the respondent authorities, to cover up their lapse owing to non-communication of the outstanding dues or for want of timely compliance of the order passed by the Revisional Authority, saddle the petitioner with any penalty/interest etc., for the period that has gone by, that, *per se*, would be erroneous, arbitrary and unsustainable.

Served with the advance copy of the petition, Mr. Arvind Seth, Advocate, for the respondent-HSVP, is present in Court. At the outset, he concedes that since no orders, in compliance to the order passed by the Revisional Authority, have been passed to date, there was no occasion to apprise the petitioner of the outstanding dues, he was/is required to deposit. Be that as it may, he, on instructions, submits that the competent authority shall take cognizance of the matter forthwith and pass the necessary orders, in accordance with law, within two weeks from today. Further, he submits that before any such orders are passed,



the petitioner shall be heard. And a formal communication, in this regard, shall also be issued to him, well in advance.

That being so, leaned counsel for the petitioner submits that, for the present, nothing substantive survives in the petition, and the same be disposed of, in terms of the statement made by learned counsel for the respondent-HSVP.

In the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders, assigning reasons in supported thereof, shall be passed within the time indicated by learned counsel for the respondent-HSVP.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(KIRTI SINGH)
JUDGE

31.08.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No