



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

**CWP No.33978 of 2024
Date of Decision: 17.12.2024.**

Sunita Kumari

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Ms. Anu Pal, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Advocate
for the respondent-HSVP.

VIKRAM AGGARWAL J.

1. The petitioner assails the order dated 23.04.2024 (Annexure P-23) vide which the revision petition preferred by the petitioner was dismissed in default.

2. Plot No. 2283-P Sector 20, Part-III, Sirsa (hereinafter referred to as the disputed plot) was allotted to one Jaiwanti w/o Surender vide letter of allotment dated 03.09.2008 (Annexure P-2). The disputed plot measured 474 sq. mts. and the tentative price was ₹3469917/-. The plot was subsequently purchased by the petitioner and accordingly, re-allotment letter dated 31.08.2010 (Annexure P-3) was issued. It provided for payment of the balance amount in five installments starting in 03.09.2010 till 03.09.2014. Each installment was for ₹433740/-. Some enhancement in the price was also made vide

communication dated 14.12.2012 (Annexure P-4) and a revised payment schedule was issued.

3. However, it appears that the petitioner defaulted in payment of the installments on account of which, after issuance of show cause notices etc, resumption order was initially passed on 01.07.2021 (Annexure P-14). However, vide order dated 26.08.2021 (Annexure P-15), the matter was remanded to the Estate Officer for passing a fresh speaking resumption order. Accordingly, resumption order dated 16.12.2021 (Annexure P-18) was issued. The appeal against the said order was dismissed on 07.07.2022 (Annexure P-19). A revision petition was preferred against the said appellate order, but the same was dismissed in default vide order dated 23.04.2024 (Annexure P-23). Finally, an auction notice dated 11.12.2024 (Annexure P-25) was issued vide which the disputed plot has been put to auction.

4. Learned counsel for the petitioner submits that the Revisional Authority gravely erred in dismissing the revision petition in default, whereas a specific request had been made to the Revisional Authority to adjourn the revision petition on account of ill health of the petitioner. Learned counsel further submits that the petitioner had always been ready and willing to pay the entire outstanding amount and is even today willing to pay the entire outstanding amount, but the respondents are not willing to consider the genuine case of the petitioner.

5. *Per contra*, Sh. Deepak Sabherwal, learned Counsel representing Haryana Shahri Vikas Pradhikaran (HSVP) (respondents no. 2 to 4) who has caused appearance on advance copy having been served submits that the petitioner is a defaulter and after the plot was transferred

to her, she did not pay any amount. However, on a specific query as to how and under what circumstances, the Revisional Authority dismissed the revision petition for non-prosecution, learned counsel has no explanation to offer.

6. Having considered the matter, we find that it would serve the ends of justice if the matter is remitted to the Revisional Authority with a direction to decide the revision petition on merits. We are of this view because though the order passed in revision mentions about few dates on which a request for adjournment was allegedly made by the petitioner, nothing has been brought on record as to what proceedings were carried out on the said dates. Be that as it may, it is always better that such matters where valuable rights of parties are involved, are decided on merits rather than being rejected on technicalities. Further, the Revisional Authority should have considered that vide e-mail (Annexure P-22), it had specifically been stated by the petitioner that as she was ill, she could not attend the office of the Revisional Authority and had prayed for another date. Under such circumstances, the view taken by the Revisional Authority that the petitioner was deliberately trying to linger on the matter, does not appear to be reasonable. This coupled with the fact that learned counsel for the petitioner has, in categorical terms, stated that the petitioner is willing to clear the entire outstanding amount including interest, penalty etc, we find it appropriate to remand the matter to the Revisional Authority.

7. Accordingly, the writ petition is allowed. The order dated 23.04.2024 (Annexure P-23), passed by the Revisional Authority is set aside. The petitioner would appear before the Revisional Authority on

23.12.2024 at 11 a.m., after which the Revisional Authority shall hear and decide the revision on merits. Respondents no.2 to 4 would cooperate in the hearing and would not unnecessarily delay the matter. It is further ordered that till the revision petition is decided, the disputed plot shall not be alienated by the respondents.

8. We are sanguine that the Revisional Authority shall consider the matter in its right earnest and shall pass a speaking order in accordance with law.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

December 17, 2024
Rekha

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