
(2014) 01 P&H CK 0183

In the Punjab And Haryana At Chandigarh

Case No : L.P.A. No. 698 of 1992 (O and M) and C.W.P. No. 4546 of 1995

Haresh Chander Grover and Others (Through Mr. A.P.
Bhandari, Advocate)

APPELLANT

Vs

The Chief Settlement Commissioner and Others
 The
Chief Settlement Commissioner and Others Vs Chandgi Ram
and Others

RESPONDENT

Date of Decision : 23-01-2014

Acts Referred:

Citation : (2014) 2 RCR(Civil) 341

Hon'ble Judges : Hemant Gupta, J; Fateh Deep Singh, J

Bench : Division Bench

Advocate : D. Khanna, Additional Advocate General, Haryana, Advocate for the Appellant; G.S. Nagra, Advocate for the Respondent

Judgement

Hemant Gupta, J.—This order shall dispose of L.P.A. No. 698 of 1992 (O & M), titled as The Chief Settlement Commissioner, Haryana and others v. Chandgi Ram and others; L.P.A. No. 765 of 1992 (O & M), titled as The Chief Settlement Commissioner and others v. Yash Pal Sood and others and C.W.P. No. 4546 of 1995, titled as Haresh Chander Grover and others v. The Chief Settlement Commissioner, Haryana, Chandigarh and others raising identical questions of law and facts. The challenge in the Letters Patent Appeals are to the orders passed by the learned Single Bench of this Court whereby the writ petitions were allowed and the respondents-the present appellants were directed to charge from the allottees the price @ Rs. 250/- per square yard except petitioners No. 71 and 72, who were ordered to be charged @ Rs. 170/- per square yard. The price so calculated was payable in six yearly installments with 9% interest per annum.

2. During the pendency of the present appeals directed against the said judgment, the respondents-the writ petitioners have filed civil misc. application bearing C.M.A. No. 2475 of 2012. It is averred that the applicants-writ petitioners be allowed to pay the amount as demanded by Tehsildar (Sales),

Faridabad while undertaking to accept the order passed by the Tehsildar (Sales).

3. During the course of hearing, learned counsel for the respondents also referred the order passed by the learned Single Bench of this Court in C.W.P. No. 8212 of 1994, titled as Lalita Mehta v. State of Haryana and others on 14.08.2013 whereby in similar circumstance, the allottees have been given time to deposit the amount demanded along with simple interest @ 9% per annum within a period of six weeks. Learned counsel for the writ petitioners states that the writ petitioners are ready and willing to pay the amount demanded along with simple interest @ 9% per annum within two months from today.

4. In reply to the application filed, the State has asserted that after the repeal of The Displaced Persons (Compensation and Rehabilitation) Act, 1954, the State has enacted, new Act namely the Haryana Evacuee Properties (Management and Disposal) Act, 2008. The price of the land allotted has to be as per the aforesaid Act. It is further stated that the applicants have failed to accept the offer in its entirety made by Tehsildar (Sales), therefore, the writ petitioners are not entitled to any indulgence at this stage.

5. We have heard the learned counsel for the parties and find that in view of the categorical assertions of the writ petitioners that they are ready to accept the offer of the Tehsildar (Sales) for sale of land @ Rs. 500 per square yards along with interest @ 9% per annum, the present writ petition is practically rendered infructuous. In view of the assertions of the writ petitioners, we allow the present appeals and permit the respondents herein, the writ petitioners, to deposit the amount demanded by Tehsildar (Sales) along with interest @ 9% per annum and deposit the same within two months from today. The failure to deposit the amount within the time prescribed shall entitle the Authorities to take action against the petitioners in accordance with law. The writ petition is also disposed of in above terms.