
(2013) 09 P&H CK 0165
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 10431 of 1991

Kulbir Kaur

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 09-09-2013

Acts Referred:

Citation : (2014) 173 PLR 475

Hon'ble Judges : Satish Kumar Mittal, J; Mahavir S. Chauhan, J

Bench : Division Bench

Advocate : A.P. Setia, for the Respondent

Final Decision : Disposed Off

Judgement

Satish Kumar Mittal, J.—Husband of the petitioner Sh. Jagir Singh, was allotted Tenement No. 131-A, Block No. 1438, Sector 29-B, (New No. 17, Block No. 1438, Sector 29-B) Chandigarh. The said allotment was made under the scheme known as Licensing of Tenements and Sites and Services Chandigarh Scheme 1979. It is the case of the petitioner that her husband paid all the premium and installments in time against the said allotment. The aforesaid allotment was cancelled by the Estate officer, U.T. Chandigarh on the ground of certain building violations under clause 14 and 16 of the Chandigarh Allotment of Low Cost Tenements on Lease and Hire Purchase Basis Scheme, 1979.

2. Aggrieved against the said order the petitioner preferred an appeal before the Chief Administrator, U.T. Chandigarh. The said appeal was withdrawn by the petitioner with the liberty to file fresh one on 22.5.1990. While re-filing the appeal the petitioner also filed an application for condonation of delay. The said appeal was dismissed by the Appellate Authority vide order dated 3.7.1990 only on limitation, while observing that the petitioner has failed to explain the delay of 2 1/2 years in filing the appeal.

3. In the present writ petition the petitioner has challenged the resumption order as well as the order dated 3.7.1990 passed by the Chief Administrator.

4. During the pendency of this petition on 3.12.1991 the following order was passed:

Counsel for the petitioner states that the unauthorised construction existing in the house in dispute has been removed. Writ petition is admitted. The petitioners, if so advised, may move review application before the Chief Administrator, Chandigarh Administration respondent No. 3, mentioning the fact of removal of unauthorised construction. Respondent No. 3 would be at liberty to dispose of review application independently of the pendency of this writ petition. Let such review application be disposed of within 3 months from its filing. After the decision of the review application, petitioner or the respondents would make an application for hearing of this writ petition.

5. In its rejoinder the petitioner has stated that according to the aforesaid order he moved a review application before the learned Chief Administrator, Chandigarh on 27.1.1992, but the learned Chief Administrator has dismissed the said application on the ground that he has no power to review the order. While ignoring the law laid down in Shivdeo Singh and others Versus State of Punjab and others, 1963 Supreme Court 1909, wherein it was held that every judicial and quasi judicial Tribunal had inherit power to review its own orders.

6. No one is present on behalf of petitioner.

7. After hearing learned counsel for respondents and going through the facts and circumstances of the case, we are of the opinion that the Appellate Authority should have reviewed its order dismissing the appeal of the petitioner on limitation, in view of the direction given by this Court vide interim order dated 3.12.1991. It has been rightly stated by the petitioner in its application that in view of Supreme Court decision in Shivedeo Singh's case (supra), every judicial and quasi judicial Tribunal had inherit power to review its own orders, there was no reason for the Appellate Authority to dismiss the application of the petitioner to review its order.

8. Consequently, we set aside the order dated 3.7.1990 dismissing the appeal filed by the petitioner on the ground of limitation and remand the matter to the Appellate Authority to consider and decide the appeal filed by the petitioner against the order of cancellation of allotment, on merits after providing an opportunity of hearing to the petitioner. The Appellate Authority is directed to serve notice to the petitioner and then dispose of the appeal in accordance with law after hearing the petitioner. Accordingly, this writ petition is disposed of in the aforesaid terms.