

(1996) 08 P&H CK 0038
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 9820 of 1993

Maharani Deepinder Kaur and Others	APPELLANT
Vs	
U.T. etc.	RESPONDENT

Date of Decision : 20-08-1996

Acts Referred:

Capital of Punjab (Development and Regulation) Act, 1952 — Section 10(4), 8A

Citation : (1996) 114 PLR 598 : (1997) 1 RCR(Civil) 595

Hon'ble Judges : V.K. Jhanji, J;A.S. Nehra, J

Bench : Division Bench

Advocate : S.C. Kapoor, Suvir Sehgal, G.M. Singh and V.K. Kataria, for the Appellant; Ashok Aggarwal and Lisa Gill, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jhanji, J.—In this writ petition filed under Article 226 of the Constitution of India, prayer made is for quashing of order dated 11-5-1993 (Annexure P-46) whereby it has been conveyed by the Estate Officer, U.T. Chandigarh that the hotel site situated in Sector 17-D, Chandigarh has since been resumed and therefore, request for transfer of site in favour of Maharawal Khewaji Trust cannot be acceded to.

2. Petitioners No.1 to 9 are alleging themselves to be trustees and executors of Maharawal Khewaji Trust, i.e. petitioner No.10. As per the case set out in the petition, the trust was constituted by virtue of registered Will dated 1-6-1982 executed by late Col. Sir Harinder Singh, Ex-ruler of Faridkot. State and became operative on the death of Col. Sir Harinder Singh. Col. Sir Harinder Singh died on 16-10-1989, and by virtue of the Will all personal properties and estates owned by the deceased at the time of death came to vest in the Trust.

3. Petitioners have averred that an auction held by the Estate Officer, U.T. Chandigarh on 27-9-1970 for hotel site in Sector 17-D, Chandigarh measuring 1,31,198.77 sq.yards. the bid offered by Sir Harinder Singh for Rs. 13,40,000/-

was found to be highest. Letter of allotment dated 5-11-1970 was issued and as per its terms and conditions, a sum of Rs. 3,35,000/- paid by Sir Harinder Singh as earnest money at the time of auction was adjusted against 25 per cent of the price of the site. The balance amount of sale consideration with interest at the rate of 6 per cent per annum was payable in three equated installments which according to the petitioners was paid by Sir Harinder Singh along with interest. It has been averred that in terms of the conditions laid down in the letter, the construction of hotel at the site was to be made in accordance with the provisions of Capital of Punjab (Development and Regulation) Act, 1952 (for short, the Act) including the Chandigarh (Sale of Sites and Buildings) Rules, 1960 (for short, the Rules). According to the Rules, the plans for the construction of the hotel at the site were to be sanctioned by Chief Architect, U.T. Chandigarh according to Architectural Control Sheets meant for public buildings. Petitioners have alleged that the architectural control sheets which were to govern the public buildings in Sector 17, Chandigarh, did not provide for a public building like a hotel. The architectural control sheets were thus, revised and finally approved and issued in January, 1979 and therefore, it was only after the issuance of final architectural control sheets that the plans for the construction of hotel were to be finally submitted by Sir Harinder Singh. Petitioners have further alleged that disregarding the inaction on the part of respondents in finalising the architectural control sheets, the Estate Officer passed an order on 26.2.1974 resuming the site in question. An appeal against the said order was preferred to the Chief Administrator, U.T. Chandigarh. The same was decided on 20-8-1974 when the hotel site was restored subject to the condition that Sir Harinder Singh would complete the building on the site and obtain a partial occupation certificate by 30-6-1975. Revision against that order was filed before the Chief Commissioner which by order dated 1-2-1975 was partially allowed and an amount of Rs. 6000/- which was ordered to be forfeited by the Chief Administrator was waived off. It is further the case of the petitioners that in the absence of control sheets and sanctioned plans no construction of the hotel building could be started, still the Estate Officer vide letter dated 29-10-1975 conveyed to Sir Harinder Singh that as he had failed to comply with order dated 20-8-1974, the site in question stands resumed. Sir Harinder Singh filed rehearing petition No. 104 of 1975 before the Chief Commissioner, Chandigarh, who vide order dated 26-8-1976 restored the site subject to the condition that the construction be completed according to duly sanctioned plan by 30-9-1977. The Chief Commissioner vide this order also directed the Chief Architect to convene a meeting for sorting out differences in regard to construction requirement, utility and services of the hotel. Petitioners have further averred that a meeting was held in the office of Chief Architect on 20-9-1976 and in the same, it was suggested by the Chief Architect that fresh sketch plans be prepared indicating how these adjustments could be made. Vide letter dated 14-12-1976, a set of sketch plans in eight sheets with an appendix giving summary of the points to be resolved was sent. The Chief Architect in response to the letter, informed that the matter had been referred to the Chief Administrator with an advice to await further

communication. Petitioners have alleged that no further communication was received despite reminders dated 18-2-1977 and 1-3-1977. The only communication received from the Chief Architect was letter dated 9-3-1977 advising that further correspondence should be made with the Chief Administrator. On enquiry, it was revealed that the question of revision of control Sheets was pending with the Chief Administrator. Repeated requests were made to Chief Administrator to make available the fresh control sheets and it was only vide letter dated 19-1-1978 that the Chief Administrator required Sir Harinder Singh to submit the proposed site plan in consultation with the Chief Architect for grant of permission for internal changes. However, the revised control sheets were not made available despite the various reminders. New control sheets approved for the plot of hotel site were made available on 16-1-1979. Since there was a substantial shifting of the site indicated in the new control sheets, Sir Harinder Singh requested vide letter dated 16-2-1979 for delivery of physical possession of the site. It has been alleged that no response to this letter was received nor physical possession of site was given despite many reminders. Petitioners have also alleged that since no construction could take place in absence of the revised control sheets making provisions for construction of public building like a hotel in Sector 17, Chandigarh, Sir Harinder Singh filed a fresh petition before the Chief Commissioner, U.T. Chandigarh. Vide order dated 13-2-1980, the said petition was allowed and the site was once again restored subject to the condition that the construction be completed within a period of two years and six months from the date on which the plans for the building were sanctioned, failing which the site was to stand resumed. It is further the case of the petitioners that the respondents raised objections under the provisions of Urban Land (Ceiling and Regulation) Act, 1976 despite the clear legal position regarding grant of exemption of the hotel site under the said Act. Before the objection could be removed, Sir Harinder Singh died on 16-10-1989 and his estate vested in the Trust by virtue of Will dated 1-6-1989. On taking over the administration of the estate of Sir Harinder Singh the Trust made an application dated 22-10-1991 to the Estate Officer for transfer of hotel site in the name of Trust. The Estate Officer vide letter dated 11-5-1993 (Annexure P-46) informed the Trust that the hotel site sold to Sir Harinder Singh in auction held on 27-9-1970 vide allotment letter dated 5-11-1970 has since been resumed and the same has become public property and therefore, request of the Trust for transfer of the hotel site cannot be acceded to. Petitioners are calling in question this action of the Estate officer being illegal, arbitrary and in flagrant violation of rules of natural justice. Petitioners have stated that in case the Trust had been afforded an opportunity of hearing, it would have explained the entire sequence of events to the satisfaction of respondents for showing that the fault for delay in construction of hotel building was caused by the respondents themselves and neither the Trust nor Sir Harinder Singh could be blamed for the same.

4. On the other hand, the case of the respondents is that the site in dispute was auctioned on 27-9-1970 with the stipulation to complete the construction within

two years from the date of auction. The allottee had no intention to construct the building and had been submitting plans knowing well that the same were contrary to the rules governing the field. Since the allottee failed to construct the building within the time originally fixed and subsequently extended, the Estate Officer vide order dated 26-2-1974 passed an order of resumption and also forfeited 10 per cent of the price of site, i.e. Rs.1,34,000/-. The order of the Estate Officer was conditionally set aside by the appellate Authority on 20-8-1974. The appellate authority restored the site to the allottee subject to allottee's completing the building and obtaining a partial occupation certificate by 30-6-1975. Forfeiture of Rs.1,34,000/- was also reduced to Rs.6000/-. The order of the appellate authority was confirmed by the revisional authority except the waiving off the forfeiture amount. Respondents have averred that the allottee was satisfied with this order and accepted the same without making any further challenge by way of any legal proceedings before an appropriate forum. According to the respondents, the last validly passed quasi-judicial order dated 1-2-1975 by the Chief Commissioner in respect of the property in dispute could not be reviewed or varied by way of any subsequent administrative order or an order on a review petition. Respondents thus, have stated that relegating the allottee to the position as on 26-2-1974 after a lapse of 21 years, would amount to permitting the allottee to unjustly enrich itself at public expense. The allottee cannot be allowed to appropriate the unearned profits resultant upon the price hike of commercial plots in the city.

5. It has been contended by Mr. S.C. Kapoor, Sr. Advocate, counsel for the petitioners that it is not open to the respondents to state that the site in question stood resumed on 26-2-1974 when the Estate Officer passed an order to that effect. He contended that the site was restored by the appellate authority and that order was affirmed by the Chief Commissioner in revision and subsequently, under rule 12 of the Rules, the time was extended to complete the building. He also contended that no default had been committed by Sir Harinder Singh or the Trust; rather time and again objections were raised by the respondents. His submission has been that the petitioners cannot be made to suffer on account of lapses on the part of respondents. As against this, Mr. Ashok Aggarwal, Sr. Advocate, counsel for the respondents, urged that the allottee did not make any serious attempt to discharge his obligation under the letter of allotment; rather kept on submitting building plans which could not be sanctioned being contrary to the statutory provisions governing sanction of building plans. The plot was auctioned on 27-9-1970 and as stipulated in the letter of allotment the construction over the site was to be completed within a period of two years. On request, time was extended for another one year for completing the building, but since the building was not completed, order of resumption was passed by the Estate Officer which was conditionally set aside by the appellate authority and the order of the appellate authority was confirmed by the revisional authority. Subsequent orders passed by the Chief Commissioner extending the time were totally without jurisdiction as under the Act the Chief Commissioner has no

power to review or vary the order passed in revision. In sum, his submission has been that on the basis of non-est orders, allottee cannot be permitted to enrich itself. According to the counsel, price of the plot as on today is not less than Rs. 50 crores.

6. In view of the rival stand of the parties, the first question that arises for consideration is whether the Estate Officer was required to pass a fresh order resuming the site or the order of resumption dated 26-2-1974 stood automatically revived on failure of the allottee to comply with the terms and conditions of allotment and the Rules. It is not in dispute that the sale in favour of the allottee was governed by the conditions of allotment contained in the letter of allotment, provisions of the Act and the rules made thereunder. One of the conditions of allotment was that the allottee shall complete the building within two years from the date of auction. For better appreciation of the point in issue, conditions No.3, 18 and 23 of the letter of allotment, Rule 12 of the Rules governing extension of time for erecting the building and Section 8-A of the Act are extracted hereinbelow in extenso :

"3. The sale shall be governed by the provisions of the Capital of Punjab (Development and Regulation) Act, 1952 and rules made thereunder including the Chandigarh Advertisement Control Order, 1954.

18. In the event of failure to comply with any of the above conditions of sale, the site and the building erected thereon shall be resumed and the whole amount paid to Government towards price of the site shall stand forfeited to Government.

23. The building on the site in accordance with rules regulating the erection of building contained in the Punjab Capital (Development and Regulation) Building Rules, 1952, shall have to be completed within two years from the date of auction". The date of completion will be the date of receipt of application for permission to occupy the building on Form "D" annexed to Punjab Capital (Development and Regulation) Building Rules, 1952 accompanied by completion certificate from the registered Surveyor/qualified Architect, who supervised the construction of the building, provided building is also certified to have been completed according to the sanctioned plan by the Chief Administrator.

Rule -12:

Time within which Building is to be erected - In the case of sale of site, the transferee shall complete the building within five years from the date of issue of allotment order, in accordance with the rules regulating the erection of buildings, unless otherwise it is mutually agreed upon that the construction shall be completed within any period less than five years. This time limit may be extended by the Estate Officer if he is satisfied that the failure to complete the building within the said five years, or the period mutually agreed upon, was due to causes beyond the control of the transferee.

Section 8-A:

Resumption and forfeiture for breach of conditions of transfer -

(1) If any transferee has failed to pay the consideration money or any instalment thereof on account of the sale of any site or building or both, u/s 3 or has committed a breach of any conditions of such sale, the Estate Officer may, by notice in writing, call upon the transferee to show cause why an order of resumption of the site or building or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof which in no case shall exceed ten percent of the total amount of the consideration money, interest and other dues payable in respect of the sale of the site or building, or both should not be made.

(2) After considering the cause, if any, shown by the transferee in pursuance of a notice under Sub-section (1) and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may for reasons to be recorded in writing, make an order resuming the site or building or both, as the case may be, so sold and directing the forfeiture as provided in Sub-section (1) of the whole or any part of the money paid in respect of such sale."

A combined reading of the aforesaid three clauses of the letter of allotment, Rule 12 and Section 8-A indicates that though under Rule 12 the allottee is required to complete the building within five years from the date of issue of allotment order unless otherwise it is mutually agreed upon that the construction shall be completed within any period less than five years, the Estate Officer is empowered to extend the time limit on being satisfied that the failure to complete the building within the period mutually agreed upon was due to causes beyond the control of the allottee. In case of breach thereof, the Estate Officer is empowered to pass the order resuming the site or building, as the case may be. In this case, it was mutually agreed upon that the allottee shall complete the construction of the building in accordance with the Rules within two years from the date of auction. Allottee failed to comply with the said condition and applied for extension of time vide letter dated 28.8.1971 to complete the building. On his application vide order dated 28.9.1971/1.10.1971 the allottee was granted an extension of one more year to complete the construction. He having failed to avail of the extension, requested the respondents vide letter dated 25.3.1972 to grant further extension. The allottee again approached the respondents vide letter dated 3.2.1973 for granting two years' further extension from 26.9.1973. However, the request of the allottee for grant of further extension was declined and on 11.12.1973, a show-cause notice was served upon him u/s 8-A of the Act. The allottee submitted a detailed reply to the show-cause notice in which he stated that he was facing financial constraints and did not possess readily available investible resources for raising construction of the hotel. The Estate Officer after granting personal hearing to the allottee arrived at the conclusion that "the owner has not taken any concrete steps to start the construction of the building" and therefore, directed resumption of the site vide order dated

26-2-1974, besides ordering forfeiture of Rs.1,34,000/-, i.e. 10 per cent of the price of site. The allottee challenged the order of resumption by way of an appeal u/s 10(1) of the Act. In the grounds of appeal, allottee specifically stated that he has not been able to commence the venture due to the reasons beyond his control. He conveyed his willingness to go to the extent of even selling his jewellery to finance the venture. Appellate Authority vide order dated 20-8-1974 accepted the appeal and ordered restoration of the site subject to the condition that the allottee shall complete the building on the site and obtain at least a partial occupation certificate by 30-6-1975. It was further subject to the condition that allottee shall submit his building plans to the Estate Officer within one month of the date of order. Forfeiture of Rs.1,34,000/- was considered on the high side and thus, reduced to nominal amount of Rs.6000/-. The operative part of the order passed by Chief Administrator, Chandigarh, reads as under:-

"Keeping in view the facts of the case and to enable the appellant to get his building plans passed, it is necessary to restore the site to him. I, therefore, restore the site to the appellant subject to the condition that the appellant shall complete the building on the site and obtain at least a partial occupation certificate by 30th June, 1975. It is further subject to the condition that he shall submit his building plans to the Estate Officer within one month of the date of this order. The forfeiture of Rs.1,34,000/- being on the high side is reduced to nominal amount of Rs.6,000/ (Rupees six thousand only) which should be paid by 30th September, 1974."

The allottee challenged the order dated 20.8.1974 by way of revision petition u/s 10(4) of the Act which was partially accepted by the Chief Commissioner, Chandigarh vide his order dated 1-2-1975 and the amount of forfeiture directed by the appellate authority was waived off. The concluding paragraph of the order reads thus :-

"In view of the restrictions on the construction of hotels and other luxury buildings, it may not be possible for the petitioner to procure the necessary building material for construction of the hotel building. A general extension for construction of unbuilt plots has been allowed upto 30-6-1975. The Chief Administrator's orders dated 20-8-1974 already have restored the site to the petitioner subject to the condition that he completes the construction by 30.6.75. Additionally he has ordered forfeiture of a sum of Rs.6000/-. The party has prayed for waiving the forfeiture. In view of the restoration order there is no justification for forfeiting any amount and as such the Chief Administrator's orders dated 20-8-74 are modified to the extent that no amount shall be forfeited."

A perusal of orders of the Chief Administrator dated 20-8-1974 and of the Chief Commissioner dated 1-2-1975 reveals that the order of the Estate Officer dated 26-2-1974 resuming the site in dispute was not set aside by the appellate or revisional authorities, but was kept in abeyance and the site was restored to the allottee subject to his submitting the building plans to the Estate Officer within

one month from the date of order by the appellate authority, and completing the building by 30-6-1975. Admittedly, the allottee failed to comply with both the conditions. Neither did he submit the building plans nor he carried out the construction within the stipulated period. He submitted the plans on 10-1-1975, i.e. beyond the stipulated period. Accordingly, on failure of the allottee to comply with the two conditions contained in order dated 20-8-1974 of the Chief Administrator and as affirmed by the Chief Commissioner in his order dated 1-2-1975, the allottee was intimated by the Estate Officer vide letter dated 29-10-1975 that the site stands resumed finally. In these circumstances, it is erroneous for the counsel for the petitioners to contend that the Estate Officer was required to pass a fresh order resuming the site or that the fresh order was passed on 29-10-1975. In our view the Estate Officer neither was required to pass a fresh order resuming the site, nor did he pass such an order resuming the site on 29-10-1975; rather a reading of the letter dated 29-10-1975 clearly indicates that it was not an order passed by the Estate Officer in exercise of powers u/s 8-A of the Act, but was only an intimation to the allottee that the resumption order stands revived. On revival of the order of resumption, the allotment in favour of the allottee stood cancelled and the authority under which he was allowed to occupy the site disappeared.

7. The next question that arises for consideration is the effect of orders dated 26-8-1976 and 13-2-1980 passed by the Chief Commissioner, Chandigarh, vis-a-vis the order of resumption passed by the Estate Officer on 26-2-1974. Before examining the legality of these two orders, it is necessary to notice as to how the same came to be passed. Allottee taking the letter dated 29-10-1975 (i.e. the letter vide which he was intimated that site stood resumed on account of his failure to complete the construction in terms of the allotment letter and with in the time extended by the appellate/revisional Authorities), to be an order of resumption challenged it by way of filing petition dated 25-11-1975 before the Estate Officer. Record produced before us has shown that the petition was returned by the Estate Officer, where after it was presented before the Chief Commissioner. The Chief Commissioner accepted the petition vide order dated 26-8-1976 and the allottee was allowed to complete the construction according to a duly sanctioned plan by 30-9-1977. Thereafter, the allottee kept himself involved in meetings and discussions with the various functionaries of the Chandigarh Administration including the Chief Architect without taking any step for completing the building. Voluminous correspondence annexed to the petition has revealed that the allottee was primarily interested to keep the project alive only on "paper". Since the allottee failed to complete the construction by 30-9-1977, the Estate Officer vide letter dated 22-10-1977 once again conveyed to the allottee that the resumption order communicated vide his office letter No. 998/CP-2248 dated 5-3-1974 remains operative. Taking this communication to be another order of resumption, the allottee filed an appeal before the Chief Administrator, Chandigarh. Since the appeal was not maintainable, the same was presented before the then Chief Commissioner, Chandigarh. Allottee also

submitted another application before the then Chief Commissioner, Sh. J. C. Aggarwal, on 1-12-1977, seeking further extension of time to construct the site in dispute. The Chief Commissioner, Chandigarh, vide order dated 13-2-1980 permitted the allottee to complete the construction within a period of two years and six months from the date of sanctioning of the building plans. The operative part of the order reads as under:-

"Therefore, it is a fit case in which relief should be granted to him. The site is restored subject to the condition that the construction is completed within a period of two years and six months of the date on which the plans for the building are sanctioned failing which the site shall stand resumed."

8. Respondents in their written statement have averred that during the entire period of three years commencing February, 1980, the allottee could not submit the building plans in accordance with the rules. During the year 1983, he made three attempts but each time the plans submitted by him were contrary to the rules and had to be returned for rectification. The building plans were finally returned to the allottee on 1-11-1983 and till date, the same have never been submitted. Respondents have further stated that since the site stood resumed during the life time of original allottee, the petitioners have no locus-standi to ask for transfer of the site in favour of the Trust.

9. Challenge to the orders dated 26-8-1976 and 13-2-1980 passed by the Chief Commissioner, Chandigarh, has been made by the respondents on the ground that the Chief Commissioner does not have the power of review under the Act. It is not in dispute that in case of breach of the terms and conditions of the sale, the Estate Officer u/s 8-A of the Act is empowered to resume the site or building and order forfeiture of the amount paid in respect thereof. The remedy available to the person aggrieved against resumption order and forfeiture is by way of an appeal and revision as provided u/s 10 of the Act. Section 10 of the Act reads as under

"10. Appeal and Revision - (1) Any person aggrieved by an order of the Estate Officer made u/s 8 or 8-A may, within thirty days of the date of the communication to him of such order; prefer an appeal to the Chief Administrator in such form and manner as may be prescribed.

Provided that the Chief Administrator may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Chief Administrator may, after hearing the appeal, confirm, vary, or reverse the order appealed from and may pass such orders as he deems fit.

(3) The Chief Administrator may, either of his own motion or on an application received in this behalf, at any time call for the record of any proceeding in which the Estate Officer has passed an order for the purpose of satisfying himself as to the legality or propriety of such order and may pass such order in relation

thereto as he thinks fit.

Provided that Chief Administrator shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

(4) Where a person is aggrieved by any order of the Chief Commissioner, deciding a case under Sub-section (2) or Sub-section (3), he may, within thirty days of the date of communication to him of such decision, make an application in writing to the Central Government for revision against the said decision; and the Central Government may confirm, alter or rescind the decision of the Chief Administrator."

It has also not been disputed before us that the allottee challenged the order of resumption by way of an appeal and revision u/s 10 of the Act. After having exhausted all the remedies available under the Act, the only remedy left to the allottee was by way of judicial review which admittedly was not resorted to. It is also not the case of the petitioners that objection in regard to the powers of the Chief Commissioner to review an order was not raised when orders dated 26-8-1976 and 13-2-1980 came to be passed by the then Chief Commissioners. As a matter of fact, the respondents raised the said objection and the Chief Commissioner too in his order dated 26-8-1976 noticed "The representative of the Estate office raised a preliminary objection that there was no provision for a review of the order passed by the Chief Commissioner on revision filed u/s 10(4) of the Capital of Punjab (Development and Regulation) Act, 1952. The order had already been, passed by the previous Chief Commissioner on 1-2-76 in this case for non-compliance of which the site stands resumed" , but without dealing with the said objection the Chief Commissioner ordered restoration of the site to the allottee. Similarly, while passing order dated 13-2-1980, the Chief Commissioner was aware that there is no provision under the Act enabling him to review an order made in revision u/s 10(4) of the Act and for that matter, in his order he observed :-

"Admittedly, there is no provision in the Capital of Punjab (Development and Regulation) Act, 1952, enabling the Chief Commissioner to review an order made in revision u/s 10(4) of that Act. The present petition as a review petition must, therefore, fail. The petitioner prays that the present application may be entertained as a mercy petition. I accept the prayer of the petitioner and deal with the objection accordingly."

Counsel for the petitioners has fairly conceded that there is no provision in the Act or the Rules conferring power of review on the Chief Commissioner. This concession has been given by the counsel on the well-established principle of law that power of review is not an inherent power but like the power of appeal must be conferred by law or by necessary implication. In this regard, a reference may be made to three decisions; one by the Full Bench of this Court in *Deep Chand and Anr. v. Additional Director, Consolidation of Holdings, Punjab, Jullundur* and

Anr. 1964)66 P.L.R. 318; and the two by the Apex Court in Patel Narshi Thakershi and Others Vs. Shri Pradyumansinghji Arjunsinghji, and Dr. Kashinath G. Jalmi and another Vs. The Speaker and others, . In Deep Chand"s case (supra), it has been held that unless specifically conferred by the statute, the Judicial and Quasi-judicial Tribunals do not possess any wider or more extensive inherent power than the Courts and thus, are not empowered to recall or review their earlier erroneous and unjust orders whenever it is discovered that the error was due to their own mistaken view on the merits of the controversy. In Patel Narshi Thakarshi"s case (supra), the Supreme Court observed "Power of review is not an inherent power. It must be conferred by law either specifically or by necessary implication". In Dr. Kashinath Jalmi"s case (supra), the Supreme Court reiterated the observations made in Patel Narshi Thakarshi"s case (supra). In view of the settled law, as stated above orders dated 26.8.1976 and 13.2.1980 by the Chief Commissioner, Chandigarh, passed either on the review application of the allottee or on the mercy petition have rightly been ignored by the Estate Officer being non-est. Consequently, we find no illegality in the order dated 11.5.1993 (Annexure P-46) whereby the Estate Officer has refused to accede to the request of the petitioners to transfer the site in favour of the Trust.

For the reasons recorded above, this writ petition fails and is accordingly dismissed with costs, which are quantified at Rs. 2000/-