
(2014) 04 P&H CK 0163

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 6791 of 2014 (O&M)

Major Harkanwaljit Singh Randhawa

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 09-04-2014

Acts Referred:

Punjab Regional and Town Planning and Development Act, 1995 — Section 45(8)

Citation : (2014) 04 P&H CK 0163

Hon'ble Judges : Surya Kant, J; Lisa Gill, J

Bench : Division Bench

Advocate : Navkiran Singh, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Lisa Gill, J.—The petitioner had applied for allotment of plot under the defence quota before respondent No. 2. The earnest money to the tune of Rs. 10,000/- had been paid and the registration of the petitioner for the allotment of plot is reflected in the communication dated 25.08.1978 (Annexure P-1). The offer of allotment of Plot no. 1078 of 400 sq. yards in Sector 71, SAS Nagar was made to the petitioner vide letter dated 14.07.1989 (Annexure P-3). It is stated in the said letter that the allotment is subject to the terms and conditions annexed with it. The tentative price of the plot was stated to be Rs. 1,60,000/-. 25% of the tentative price would come to Rs. 40,000/- and it is clearly stated therein that a sum of Rs. 30,000/- should be paid thereby completing 25% of the tentative price and the possession of the plot should be taken within 30 days from the date of issue of the said letter failing which the allotment was liable to be cancelled. The petitioner was duly informed about the allotment vide registered letter dated 14.07.1989 sent at the address given by him i.e. House No. 1301, Sector 33-C, Chandigarh. This fact has been observed by the Assistant Chief Administrator, GMADA in his order dated 13.08.2009 and is not disputed. The petitioner neither deposited the said amount of Rs. 30,000/- nor took any steps for taking the possession of the plot. Consequently, a show cause notice was

issued on 14.02.1996 to the petitioner by the Estate Officer, GMADA, which was received back undelivered. Subsequently notices were again issued to the petitioner for personal hearing at the address given by the petitioner. The allotment was finally cancelled by the Estate Officer, GMADA, vide order dated 03.06.2009 (Annexure P-4).

2. The appeal preferred by the petitioner against the said order was rejected by the Assistant Chief Administrator, GMADA, Mohali vide order dated 13.08.2009 (Annexure P-5). The revision petition preferred by the petitioner u/s 45(8) of The Punjab Regional and Town Planning Development Act, 1995 was also dismissed vide order dated 06.04.2010. The petitioner had thereafter approached this Court vide CWP No. 16225 of 2010. This writ petition was permitted to be withdrawn vide order dated 10.09.2010 by this Court with liberty to the petitioner to pursue his representation before the higher Executive Authority of the State. The order dated 10.09.2010 passed by this Court is reproduced as hereunder:-

After arguing the case for some time, learned counsel for the petitioner seeks and is granted permission to withdraw this writ petition with liberty to pursue the representation dated 10.08.2009 (Annexure P-4) which he has already made before the higher Executive Authority of the State.

4. Ordered accordingly.

3. The petitioner after a lapse of one and a half year is stated to have submitted a representation dated 23.02.2012 to the Principal Secretary, Housing and Urban Development, Punjab which was rejected vide memo dated 20.04.2012 (Annexure P-10).

4. The present petition has been preferred again by the petitioner for quashing of the impugned order dated 03.06.2009 (Annexure P-4) and restoration of the allotment of plot to him.

5. It is contended by learned counsel for the petitioner that the petitioner had left the Army after the 1984 riots and had left for the United States of America, where he settled alongwith his family members and he was not even aware of the allotment of plot in the year 1989 as the said allotment letter had never been communicated to him and he had only come to know of the same on receiving a phone call from a property dealer from Mohali in December, 2008. It is further contended that the cancellation of the allotment is unjustified as he had no knowledge of offer about the allotment or the show cause notice or the reminders and that the authorities themselves had slept over the matter for 10 long years.

6. The contention of the petitioner is liable to be rejected inasmuch as the petitioner has admittedly never intimated the change of his address or even bothered to inquire about the fate of his application for the allotment of the plot. It is admitted by the petitioner that the allotment letter and the show cause

notice had been duly sent at the address of his father, which had been supplied by the petitioner. The respondent authorities were not under any obligation to intimate the petitioner to make the payment of the dues towards 25% of the tentative price in the absence of any intimation by the petitioner regarding the change of his address. The lapse on the part of the authorities for not cancelling the allotment at an earlier stage cannot vest the petitioner with any right for the allotment of the plot. The Assistant Chief Administrator vide order dated 13.08.2009 has infact directed the Estate Officer to inquire into this lapse inasmuch as the Estate Officer had issued the order of cancellation of the allotment of the plot on 16.01.1996 but the concerned officer had failed to comply with the necessary directions for such a long period of time.

7. In this case, the petitioner had applied for the allotment of the plot in the defence quota in the year 1978 and the offer of allotment vide letter dated 14.07.1989 would have fructified into a binding contract only on the deposit of Rs. 30,000/- by the petitioner thereby completing 25% of the tentative price. Admittedly, the contract between the parties never materialized as the petitioner never accepted the terms and conditions offered to him. Thus, the petitioner has no vested right for allotment of the plot. It is also to be noted that the petitioner is reflected to be a permanent resident of U.S.A. and the appeal and revision against order dated 03.06.2009 as well as the present writ petition have been filed through a Power of Attorney of the petitioner. This is reflective of a speculative attempt on the part of the petitioner who has no right to the allotment of a plot under the defence quota under the facts and circumstances of the case.

8. Keeping in view the aforesaid, the impugned order has been correctly passed and no ground is made out for interference by this Court.

9. The writ petition is, therefore, dismissed.