

**(2013) 08 P&H CK 0495**

**In the Punjab And Haryana At Chandigarh**

**Case No :** CWP No's. 8247, 8248 of 1990 and 2375 of 1991

Manohar Lal Arora

APPELLANT

Vs

The Chief Administrator and Another <BR> Neelam Kumari  
Vs State of Haryana and Others

RESPONDENT

---

**Date of Decision :** 01-08-2013

**Acts Referred:**

Haryana Housing Board Act, 1971 — Section 72B

**Citation :** (2013) 08 P&H CK 0495

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

**Bench :** Division Bench

**Advocate :** Rajiv Kataria, for the Appellant; Durgesh Aggarwal, Advocate for the Respondents- Housing Board, Haryana, for the Respondent

**Final Decision :** Disposed Off

---

## **Judgement**

Satish Kumar Mittal, J.—This order shall dispose of Civil Writ Petitions No. 8247, 8248 of 1990 and 2375 of 1991, as the common questions of law and facts are involved in these petitions. The facts are being taken from CWP No. 8247 1990.

2. Against an advertisement made by the Housing Board, Haryana, the petitioner applied for allotment of a L.I.G. house in the Housing Colony, Kalka, in the year 1988. Along with the application, the petitioner deposited earnest amount Rs. 3,340/-. Vide allotment letter dated 29.7.1988 (Annexure P-1), the petitioner was allotted house No. 201-A. In the said allotment letter, the petitioner was asked to deposit Rs. 5,010/- as 15% of the sale consideration and Rs. 1,004/- as additional charges being the corner plot/flat. According to the allotment letter, the petitioner was required to deposit Rs. 6,016.25. The said amount was to be paid within 30 days and the remaining amount was to be paid in monthly installments of Rs. 305/- each for 13 years.

3. When the petitioner did not make the payment as per the allotment letter, after giving show cause notice to the petitioner, vide impugned order dated

11.9.1989 (Annexure P-11), the allotment was cancelled and 25% of the amount paid by the petitioner was ordered to be forfeited.

4. It is the case of the petitioner that against the said order, the petitioner filed an appeal (Annexure P-12) before the Appellate Authority on 17.1.1990, but the said appeal was never decided.

5. In the written statement, the factum of filing appeal against the aforesaid order dated 11.9.1989 has not been disputed. However, it has been stated that the Chairman of the Housing Board had desired that the house in dispute may be auctioned along with other houses on 2.6.1990. In view of the said order of the Chairman, when the respondents Board issued public notice for auctioning the house in question along with other houses, the petitioner filed the instant writ petition.

6. After hearing learned counsel for the parties, we deprecate the action of the respondents Board, particularly in not deciding the appeal merely on the direction of the Chairman, saying that the house in question be auctioned along with other houses. Under the Haryana Housing Board Act, 1971, a statutory appeal has been provided against an order passed by any officer of the Board, and u/s 72-B of the Act, a further revision has been provided challenging the order of the Appellate Authority. The Appellate Authority has miserably failed to discharge its statutory duty, while keeping the appeal pending and not deciding the same. Now more than 23 years have passed and the said appeal is still pending before the Appellate Authority.

7. In view of the above, CWP Nos. 8247 and 8248 of 1990 are disposed of with a direction to the Appellate Authority to decide the said appeal after hearing the counsel for the petitioner by passing a speaking order, expeditiously, preferably within a period of four months. The Appellate Authority is further directed to take into consideration the fact that 23 years have passed, and he will decide the appeal by taking a sympathetic view of the old situation, and while taking into consideration the facts and circumstances, prevalent at the time of filing of the appeal. In CWP No. 2375 of 1991, it was communicated to the petitioner that the appeal filed by her was rejected by the Appellate Authority. But no order of rejection of appeal was ever communicated. It has also been stated that the petitioner was never called for hearing of the appeal, and when she went to the office of the Appellate Authority, she was informed that no separate order was passed. In the written statement, these facts have not been specifically denied and during the course of arguments, learned counsel for the respondents has conceded that no order passed on the appeal of the petitioner is available on the record of the Board. In these circumstances, this petition is also disposed of with a direction to the Appellate Authority to decide the appeal as per the directions given above.