

(2012) 03 P&H CK 0203
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 10276 of 2011

Smt. Usha Rattan

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 26-03-2012

Acts Referred:

Haryana Urban Development Authority Act, 1977 — Section 17(3), 17(4)

Citation : (2012) 03 P&H CK 0203

Hon'ble Judges : Hemant Gupta, J;A.N. Jindal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—Challenge in the present writ petition is to the order dated 11.08.1995 (Annexure P-2) passed by the Estate Officer; order dated 01.06.2007 (Annexure P-3) passed by the Administrator, exercising the powers of the Chief Administrator and the order dated 08.12.2010 (Annexure P-5) passed by the State Government in respect of resumption of plot No.2320, Sector 23, Sonapat, allotted to the petitioner. The petitioner was allotted the aforesaid plot measuring 300 Sq. meters on 13.08.1991. The petitioner was required to deposit 75% of the amount either in lump sum within 60 days without interest or in six annual installments. The petitioner has not deposited 75% of the balance sale consideration, which led to resumption of the plot on 11.08.1995.

2. The petitioner was earlier issued notices under Sections 17 (3) and 17 (4) of the Haryana Urban Development Authority Act, 1977 on 12.10.1994 and 18.05.1995. The petitioner challenged the order passed by the Estate Officer after 12 years and after execution of General Power of Attorney in favour of one Raj Pal, resident of Bhiwani in an appeal before the Chief Administrator. The said appeal was dismissed for the reason that the petitioner has not paid the balance amount intentionally and has also filed an application before the Consumer Forum to refund the amount deposited by her. The appeal was found to be

hopelessly time barred. The Appellate Authority has also taken into consideration the fact that the General Power of Attorney was appointed in the year 2007 when the original allottee was not the owner of the plot. Such order was affirmed in revision.

3. The petitioner has not produced the records of the District Consumer Forum nor disputed the findings recorded by the Appellate Authority that the petitioner had sought refund of the amount by moving an application before the District Consumer Forum. It has come on record that the jurisdiction of the District Forum was invoked in the year 2001. It appears that the petitioner has challenged the order of resumption before the District Consumer Forum as well.

4. The order of resumption was passed in the year 1995, whereas, the appeal against the said order was preferred in the year 2007 after execution of the General Power of Attorney.

5. We do not find that any ground is made out for setting aside the order of resumption and the orders passed in appeal and revision when the petitioner has failed to make the payment of balance sale consideration. Subsequent conduct of the petitioner in invoking the jurisdiction of the Consumer Forum seeking refund of the amount and executing the General Power of Attorney when, the plot was resumed shows lack of bonafides of the petitioner.

6. Consequently, we do not find any merit in the present writ petition. Dismissed.