
(2014) 04 P&H CK 0031
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 3793 of 1989 (O&M)

Tarsem Lal Bhardwaj

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 03-04-2014

Acts Referred:

Citation : (2014) 04 P&H CK 0031

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

Bench : Division Bench

Advocate : R.L. Sharma, Advocate for the Appellant; Amit Sethi, Addl. A.G., Punjab, Advocate for the Respondent

Judgement

Surya Kant, J.—The petitioner impugns the order dated 30.11.1984/14.01.1985 (Annexure P-9) whereby allotment made on 25.06.1975 of shop-cum-flat No. 15, Industrial Focal Point, SAS Nagar, Mohali, stood cancelled. He also assails the order dated 20.06.1990 (Annexure P-14) whereby the State Government, though, restored the allotment of subject site but on revised price of Rs. 1,11,099.54/-.

2. The brief facts are that the petitioner was allotted shop-cum-flat site vide allotment letter dated 25.06.1975 under Punjab State sponsored scheme for educated un-employed youths. The allotment was made for a sale consideration of Rs. 83,000/- out of which Rs. 77,000/- was payable in 15 equal installments on or before 31st of July every year. The petitioner having committed default in payment of some of the installments and also for his alleged failure to carry on business activities specified in the allotment letter, the allotment was revoked vide impugned order Annexure P-9 and the site was resumed.

3. The petitioner's case is that he had deposited a sum of Rs. 35,500/- which was more than the due amount of installments much before the date the site was resumed. He also maintains that the site was being used for running the restaurant, i.e. the purpose for which it was allotted.

4. When the aggrieved petitioner approached this Court, resumption or consequential proceedings were stayed vide order dated 10.05.1989. On July 26, 1989, this Court passed the following order: -

In the meantime the petitioner should approach the department and will tell them as to how much is payable towards interest and should try to clear the arrears.

5. It was informed on August 28, 1989 that the petitioner has deposited a sum of Rs. 83,000/-. The writ petition was accordingly admitted and the stay order was made absolute.

6. The solitary question that arises for consideration is whether the subject site is liable to be resumed for non-payment of the due installments and/or for non-start of the business activity for which it was allotted?

7. The deposit of Rs. 35,500/- before passing the resumption order or Rs. 83,000/- in compliance to order dated 26.07.1989 passed by this Court, is not in dispute. Learned State counsel, however, submits that even after depositing these amounts, the petitioner is still liable to pay Rs. 74,987/- on account of delay in interest, penal interest etc.

8. Though, it is strenuously urged on behalf of the petitioner that he has already deposited more than the allotment consideration, but we are of the considered view that the "statement of account" need not be gone into by this Court and the plea taken by the respondents in this regard deserves to be accepted. Consequently, we direct the petitioner to deposit the balance amount, interest, penal interest etc. amounting to Rs. 74,987/-. The petitioner shall deposit the afore-stated amount in four equal monthly installments from the date of receipt of certified copy of this order.

9. As regard to the second objection taken by the respondents, namely, non-usage of the site for the purpose it was allotted, learned counsel for the petitioner states at the Bar that the site is still being used for that very purpose. Be that as it may, we make it clear that petitioner will utilize/restore the site for the same purpose for which it was allotted. The respondent-authorities shall be at liberty to re-visit the site after a period of six months from the date of receipt of certified copy of this order and if it is found that the petitioner has been misusing the premises in any manner, the authorities shall be at liberty to proceed against him in accordance with law.

Ordered accordingly.