

(2009) 11 P&H CK 0051
In the Punjab And Haryana At Chandigarh

V.K. Chaudhary

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 11-11-2009

Acts Referred:

Citation : (2010) 157 PLR 303

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—By this common order, following nine writ petitions shall be decided:

1. Civil Writ Petition No. 1164 of 2008 titled as "V.K. Chaudhary v. State of Haryana and Ors.";
2. Civil Writ Petition No. 2206 of 2008 titled as "Smt. Poonam Gupta v. State of Haryana and Ors.";
3. Civil Writ Petition No. 2208 of 2008 titled as "Daljit Puri and Anr. v. State of Haryana and Ors.";
4. Civil Writ Petition No. 2211 of 2008 titled as "Mohinder Lal v. State of Haryana and Ors.";
5. Civil Writ Petition No. 2212 of 2008 titled as "Rajinder Kumar Gupta v. State of Haryana and Ors.";
6. Civil Writ Petition No. 2212 of 2008 titled as "Parveen Kumar Bansal v. State of Haryana and Ors.";
7. Civil Writ Petition No. 2214 of 2008 titled as "Smt. Balwinder Kaur v. State of Haryana and Ors.";
8. Civil Writ Petition No. 5766 of 2009 titled as "Smt. Kusum v. State of Haryana and Ors."; And

9. Civil Writ Petition No. 11469 of 2009 titled as "Smt.. Ramesh Kumari v. State of Haryana and Ors.";

2. For facility of reference, facts are gathered from Civil Writ Petition No. 1164 of 2008 titled "V.K. Chaudhary v. State of Haryana and Ors.".

3. Petitioner had purchased plot No. 2228, Sector 7, Urban Estate Karnal. It is not disputed that the original owner had sold the plot to the petitioner and letter of re-allotment was issued in his favour by the Estate Officer, Haryana Urban Development Authority, Karnal. Haryana Urban Development Authority, Karnal, from time to time has been issuing policy for granting extension of time for construction of the residential/commercial plots subject to charging of extension fee.

4. Counsel for the petitioner had stated that petitioner is a resident of United States of America and due to certain domestic difficulties faced, he could not construct the house on the plot within a specified time. This was construed by the respondents as breach of violation of re-allotment letter and the premises was resumed vide order dated 1.4.2008. Copy of the order has been annexed as Annexure P10. The order of resumption was not made subject matter of appeal. The petitioner had approached this Court against the notice of resumption and subsequently order of resumption was passed during the pendency of present writ petition. A Division Bench of this Court, on 25.1.2008 had recorded the contention of the counsel that they will construct the house on the plot within a period of one year. Thereafter, on 10.4.2008, operation of the impugned resumption order (Annexure P10) was stayed by a Division Bench of this Court. Counsel for the petitioner has submitted that petitioner is ready and willing to construct the house on the plot within a period of one year from the day building plans are sanctioned. Counsel further submits that the revised building plans will be submitted to the concerned Authorities within 60 days from today.

5. During the course of arguments, Mr. Amit Aggarwal, Advocate, appearing for respondents No. 2 and 3, has not denied the assertion of counsel for the petitioner that on 28.8.2009 in partial modification to the policy/guidelines issued on 28.4.2007 and 2.7.2007, respondents have decided to give one time relaxation for completion of building till 30.11.2009 provided plot owners pay double the extension fee applicable for last year in their respective cases for each year of delay.

6. After hearing counsel for the parties, this Court is of the view that resumption order is very harsh order as it deprive the house owner from the roof which he intend to build on the plot allotted. Order of resumption should be passed in extreme cases. Since respondents No. 2 and 3 have already issued a fresh policy and have agreed to give one time relaxation subject to payment of double the extension fee applicable for the last year in the case of each plot owner for each year of delay, all the nine writ petitions can be disposed of with an observation that in case petitioners submit building plans within 60 days, they shall

undertake before Estate Officer, Haryana Urban Development Authority, Karnal, to construct the house in accordance with the sanctioned building plans within one year from the date of approval of the building plans. Petitioners, as per the policy of respondents No. 2 and 3 dated 28.8.2009, circulated vide memo No. A-UB-K.K.-2009/30727-49, shall pay double the extension fee in consonance with the policy.

With the observations made above, the aforesaid nine writ petitions are disposed of.