

102
11/5/12

CA 2421
4/10/12

W-1076

[Handwritten signature]

O.P. No. _____

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

To,

Receipt No. 4574
Date 3.5.12
O/o F.C.T.C.P.

1. The Financial Commissioner & Principal Secretary to Government, Haryana, Town and Country Planning Department, Chandigarh.
2. The Haryana Urban Development Authority, C-3, HUDA Complex, Sector-6, Panchkula through its Chief Administrator.
3. The Estate Officer, Haryana Urban Development Authority, Sirsa, District Sirsa.

3-5-12
PCTYP

CAHWA

4.5-12

D.A. by update CCTS
7-5-12

ADA (VKS)

SUBJECT :- CIVIL WRIT PETITION No. 1497 of 2011.

Raj Bala

Versus

The Financial Commissioner and Principal Secretary and *etc*
Sir, ...Petitioner(s)
...Respondent(s)

DA 590
7/5/12

In the continuation of this Court's order dated 12/5/11, I directed to forward herewith a copy of order dated 03.04.12 passed by this Hon'ble High Court in the above noted Civil Writ Petition, for immediate strict compliance.

Given under my hand and the seal of this Court on April, 2012.



BY ORDER OF THE PUNJAB AND HARYANA HIGH COURT, CHANDIGARH.

[Signature]
Superintendent (WRITS)
for Assistant Registrar (WRITS)

16/5/12

102
11/5/12

CA 2421
4/10/12

W-126

D.P. No. _____
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Receipt No. 4574
Date 3.8.12
O/o F.C.T.C.P.

To,

1. The Financial Commissioner & Principal Secretary to Government, Haryana, Town and Country Planning Department, Chandigarh.
2. The Haryana Urban Development Authority, C-3, HUDA Complex, Sector-6, Panchkula through its Chief Administrator.
3. The Estate Officer, Haryana Urban Development Authority, Sirsa, District Sirsa.

3-5-12
PCTYP

CAHUDA

4.5.12

D.A. de update CRTS
7-5-12

ADA (VKS)

SUBJECT :- CIVIL WRIT PETITION No. 1497 of 2011.

Raj Bala

Versus

The Financial Commissioner and Principal Secretary and Chief
...Petitioner(s)
...Respondent(s)

Sir,

DA 590
7/5/12

In the continuation of this Court's order dated 12/5/11, I directed to forward herewith a copy of order dated 03.04.12 passed by this Hon'ble High Court in the above noted Civil Writ Petition, for immediate strict compliance.

Given under my hand and the seal of this Court on April, 2012.



BY ORDER OF THE PUNJAB AND HARYANA HIGH COURT, CHANDIGARH.

[Signature]
Superintendent (WRITS)
for Assistant Registrar (WRITS)
16/4/12

77

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO. 1497 OF 2011

Raj Bala wife of Amar Singh, daughter of Harpat, resident of House No. FH-4, near Canal Rest House, Canal Colony, Hisar.

...Petitioner

Versus

1. The Financial Commissioner & Principal Secretary to Government, Haryana, Town and Country Planning Department, Chandigarh.
2. The Haryana Urban Development Authority, C-3, HUDA Complex, Sector-6, Panchkula through its Chief Administrator.
3. The Estate Officer, Haryana Urban Development Authority, Sirsa, District Sirsa.

.....Respondents.

Civil Writ Petition under Articles 226 and 227 of the Constitution India for issuance of a writ in the nature of certiorari for



788

quashing the impugned order dated 25.11.2004 (Annexure P-2) passed by respondent No.3 and order dated 7.12.2010 (Annexure P-6) passed by respondent No.1.

Further issue a writ of mandamus directing the respondents to accept the earnest amount from the petitioner and re-allot the said plot to the petitioner.

AND

For the issuance of any other appropriate writ, order or direction to which this Hon'ble Court may deem fit in the facts and circumstances of the present case.

RESPECTFULLY SHOWETH:-

1. That the petitioner is resident of Haryana and being citizen of India, competent to invoke the extra ordinary writ jurisdiction of this Hon'ble Court by way of filing the

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 3.4.2012
CWP No. 1497 of 2011

Raj Bala

.....Petitioner

vs.

The Financial Commissioner &
Principal Secretary and ors

.....Respondents

**CORAM: - HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE A.N.JINDAL**

Present: - Mr. Vivek Singla, Advocate for the petitioner.
Mr. Gitish Bhardwaj, Advocate for respondents

HEMANT GUPTA, J

Challenge in the present petitionis to the order dated 25.11.2004 (Annexure P-2) passed by the Estate Officer and the order dated 7.12.2010 (Annexure P-6) passed by the Financial Commissioner exercising the powers of State Government in respect of Plot No. 317, Sector R-III, M.T. Ellenabad.

Petitioner was allotted the aforesaid plot vide the letter of allotment dated 22.6.2004 (Annexure P-1) with a tentative price of Rs. 2,40,038/-. Petitioner was to deposit a sum of Rs. 37,772/- within 30 days from the date of letter along with an amount of Rs. 22,238/- will constitute earnest money i.e. 25% of the total tentative price. The balance amount of Rs. 1,80,028/- could be deposited within 60 days without interest or in six annual installments. Petitioner did not deposit 15% of the amount i.e. 37,772/- within 30 days but sent a draft of Rs. 40,000/- on 19.11.2004. The said draft was returned vide the Annexure P-2 on 25.11.2004. Thereafter, petitioner filed an appeal before the State Government which has since been dismissed.

PUNJAB AND HARYANA HIGH COURT

PUNJAB AND HARYANA HIGH COURT

The sole reasoning given by learned counsel for the petitioner for non deposit of the amount is that she shifted from the address given in the application and thus, the letter of allotment did not reach her. Learned Financial Commissioner has found that such plea is incorrect as the address mentioned in the appeal is the same as mentioned in the application.

In the reply filed on behalf of respondents, it is pointed out that the petitioner has sent the amount after a delay of 153 days whereas as per the norms, the Chief Administrator, HUDA is competent to condone the delay only upto 120 days.

We have heard learned counsel for the parties and find no merit in the present petition. Petitioner has failed to accept the offer of allotment of the plot by deposit of 15% of the amount within the time granted. More so, the Hon'ble Supreme Court in Chaman Lal Singhal Vs. Haryana Urban Development Authority & others, 2009 (4) SCC 369, has held that letter of allotment is an offer, which is required to be accepted by the allottee within the period prescribed. It is on acceptance of the offer i.e. by deposit of 15% of the amount, a concluded contract comes into existence.

Apart from the said fact, HUDA has framed a policy to condone the delay only upto 120 days. Since, the deposit is beyond 120 days, we do not find that there is any error apparent in the orders passed by the authorities, which may warrant interference in the writ jurisdiction of this Court.

[Redacted]
[Redacted]

[Signature] (HEMANT GUPTA)
JUDGE



[Signature] (A.N.JINDAL)
JUDGE

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34.2012
preeti
[Signature]

[Signature]
28/4/11

D.P. No. _____

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Diary No. 11582

Date 07/5/12

HUDA, HQ, Panchkula

To,

4/12/11
28/11/11
V.S. (A.D.)
8/5/12
9/5
Ru-7
6

1. The Financial Commissioner & Principal Secretary to Government, Haryana, Town and Country Planning Department, Chandigarh.
2. The Haryana Urban Development Authority, C-3, HUDA Complex, Sector-6, Panchkula through its Chief Administrator.
3. The Estate Officer, Haryana Urban Development Authority, Sirsa, District Sirsa.

SUBJECT :- CIVIL WRIT PETITION No. 1497 of 2011.

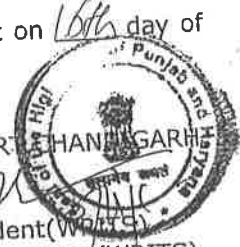
Raj Bala
The Financial Commissioner and *Principal Secretary and O.A.S.*
Versus
Sir, ...Petitioner(s)
...Respondent(s)

In the continuation of this Court's order dated 12/5/11, I am directed to forward herewith a copy of order dated 03.04.12 passed by this Hon'ble High Court in the above noted Civil Writ Petition, for immediate strict compliance.

Given under my hand and the seal of this Court on 16th day of April, 2012.

BY ORDER OF THE PUNJAB AND HARYANA HIGH COURT CHANDIGARH

Superintendent (WRITS)
for Assistant Registrar (WRITS)



16/4/12