



of Haryana Urban Development Act, 1977 (herein after referred to as 'the Act') and called upon the respondent why penalty of Rs.1236/- be not levied upon him. Another notice was issued under Section 17(2) of the Act on 27.7.1994 and he was called upon to appear in person on 18.9.1994.

On 14.3.1995, HUDA called upon to deposit Rs. 39,248/- along with penalty of Rs.1236/- within 15 days from the date of receipt of notice. However, no amount was deposited by the respondent.

Thereafter, HUDA issued another notice on 7.4.1995 under Section 17(3) of the Act calling upon the respondent to show cause why an order of resumption of the site and forfeiture of money paid by him initially be not passed. On 5.11.2001, another notice was issued under Section 17 (4) of the Act giving opportunity to the respondent for personal hearing and called upon him on 17.12.2001 but he did not appear. Ultimately, the Estate Officer in exercise of powers under Section 17 (4) of the Act, passed the order of resumption of plot and forfeiture of the amount of Rs.22,680/- paid by the respondent.

Consequently, on 29.4.2003, the respondent filed an appeal against the order passed by the Estate Officer before Administrator, HUDA - Appellant No. 2 and prayed for setting aside the order dated 24.3.2003. However, vide order dated 16.12.2003, the Administrator, HUDA dismissed the appeal.

Aggrieved by the order of the Administrator, HUDA, respondent preferred a revision petition before the Financial Commissioner, Haryana which was also dismissed vide order dated 15.7.2005.

Aggrieved by the orders so passed, respondent preferred a writ petition being CWP No. 13056 of 2005 before the High Court. It was contended that now he has come out of bad days as such, policy be relaxed and was ready to pay the outstanding amount. The High Court vide order dated 3.10.2005 directed the respondent to deposit an amount of Rs. 3,50,000/- which was deposited by the respondent before the High Court. High Court vide order dated 25.7.2006 allowed the writ petition and directed the appellants to accept Rs. 3,50,000/- from respondent and declared that on deposit the resumption order passed by the Estate Officer against respondent shall be treated as non-est.

Aggrieved thereby, appeal has been filed by HUDA in this Court. This Court vide order dated 20.4.2007 granted interim stay.

We have heard the learned counsel for the appellant and perused the record and the writ petition filed by the respondent in the High Court. In the Writ petition filed before the High Court no reason, good, bad or otherwise not to pay the amount within stipulated time as mentioned in the

order of allotment has been given. Bald statement has been made that he had come out of the bad days, as such, his prayer should be accepted now. In the writ petition, there was no whisper with respect to the order been passed without any notice. On the other hand, it was admitted that despite notice issued to him by the estate officer he could not deposit the amount. Consequently, the order of resumption was passed.

In the facts and circumstances of the case, as the only initial deposit had been made by the respondent and thereafter there was absolutely no sufficient or good cause shown not to deposit the amount for more than 12 years till the date of resumption in the year 2003. Thus, we find that the respondent was not entitled for relief from the High Court to make the deposit whenever he wishes. There was no question of relaxing the policy as no sufficient cause had been made out by the respondent for relaxing the policy decision and not depositing money within stipulated time.

Consequently, the order passed by the estate officer on resumption and forfeiture was absolutely proper. The High Court has not given any reason to set aside the order passed by the estate officer. We find that the order passed by the High Court is not sustainable the same is liable to be and is hereby set aside.

The appeal is, accordingly, allowed.

No order as to cost.

.....J  
(ARUN MISHRA)

.....J  
(MOHAN M. SHANTANAGODAR)

NEW DELHI;  
JULY 26, 2017

