

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 22190/2012
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 17/11/2011
IN LPA NO. 6/2011 PASSED BY THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH)

ESTATE OFFICER, HUDA & ANR.

Petitioner(s)

VERSUS

SHIV SARAN KASHYAP & ORS.
(WITH INTERIM RELIEF AND OFFICE REPORT)

Respondent(s)

WITH

SLP(C) NO. 22191/2012
(WITH OFFICE REPORT)

SLP(C) NO. 22192/2012
(WITH OFFICE REPORT)

Date : 08/09/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s)

Mr. Ravindra Srivastava, Sr. Adv.
Ms. Anubha Agrawal, Adv.

For Respondent(s)
SLP(C) 22190/12 &
22191/12

Mr. T. Mahipal, Adv.

SLP(C) 22192/12

Mr. Pavan Kumar, Adv.
Ms. Neelam, Adv.
Mr. Shakti Narayanan, Adv.

Signature Not Verified

Digitally signed by
Vinod Lakhina
Date: 2014.09.10
12:20:31 IST
Reason:

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UPON hearing the counsel the Court made the following
O R D E R

The allotments made in favour of the respondents in
the year 1991 were cancelled and the land allotted was
resumed by the petitioner - Haryana Urban Development
Authority ('HUDA' for short) sometime in the year
2000-2001. Appeals were filed against the said resumption

order in the year 2007 which were allowed with the direction that the allottees (respondents) may deposit the balance amounts due as per the original letter of allotment. HUDA informed the allottees the precise amount that was due which was tendered and such payments were accepted and received by HUDA. Thereafter, Revisions were filed by HUDA before the Competent Authority which were allowed and the resumption orders were restored. As against the aforesaid order(s) of the Revisional Authority, the allottees had filed writ petitions, which were allowed by the learned single judge by setting aside the resumption order on the ground that the revision applications were filed after the balance amount was tendered to the HUDA. In appeals, the Division Bench affirmed the order of the learned single judge, however, safeguarded the interests of the HUDA by requiring the allottees to make payment of the amount due as on the date of the appellate order i.e. 25th July, 2007.

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When the petitioners had implemented the order of the appellate authority dated 25th July, 2007 and had accepted the payments made by the allottees, the High Court was correct in concluding that the revisions filed after implementing the appellate order should not have been entertained and allowed. The Division Bench of the High Court further safeguarded the interests of the HUDA by requiring the deposit of money to be made in terms of the price in the year 2007 i.e. 25th July, 2007, the date of the appellate order and not as on the date of the allotment i.e. 1991.

In the aforesaid facts, we do not consider the present cases to be fit cases for being entertained. Consequently, the Special Leave Petitions are dismissed.

However, all questions of law are kept open.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

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