



CWP-845-2025

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

(129)

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Date of Decision:-26.05.2025.

The Chief Administrator, Haryana Sahari Vikas Pradhikaran (HSVP)  
through Estate Officer, HSVP, Faridabad

.....Petitioner

Versus

The Additional Chief Secretary to Govt. of Haryana Town and Country  
Planning Department, Chandigarh and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MR. JUSTICE ALOK JAIN**

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Argued by: Mr. Ankur Mittal, Advocate,  
Mr. Harmanjot Singh Gill, Advocate,  
Ms. Ashna Singh, Advocate and  
Ms. Sharvi Dadhwal, Advocate for petitioner.

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**ALOK JAIN, J.**

1. The present petition has been filed, *inter alia*, seeking setting aside the order dated 30.03.2022 passed in revision petition No.85 of 2021, but the impugned order attached with the petition relates to revision petition No.87 of 2021 by respondent No.1-Additional Chief Secretary, Government of Haryana. Learned counsel for the petitioner has clarified that both the orders are identical except for the case number and the S.C.F.



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number and, therefore, this petition be considered as challenge to order passed in revision petition No.87 of 2021.

2. The admitted facts of the case, in brief, are that respondent No.2 vide allotment letter dated 14.02.1992 was allotted S.C.F. No.43, Sector 15, Faridabad for a sum of Rs.12,86,500/-. However, since respondent No.2 failed to deposit the due amounts, including interest and penalties on the amount of installments, a notice was issued under Section 17(1), 17(2), 17(3) and 17(4) of the Haryana Urban Development Act, 1977 (for short 'the Act') and ultimately vide order dated 31.01.1994, a resumption order was passed and also 10% of the consideration money was forfeited. Respondent No.2 preferred an appeal against the said order before the Administrator, HUDA, which, after specifically recording that the respondent No.2 was not interested to make the payments of the due amount, affirmed the order of resumption vide its order dated 22.08.1994.

3. Respondent No.2 further being aggrieved by the resumption orders dated 31.01.1994 and the order passed by the Administrator, HUDA, in the appeal on 22.08.1994, preferred a revision petition before the Chief Administrator, HUDA, and the following order was passed on 18.08.1998, operative part whereof reads as under:-

*“Taking a lenient view and in the interest of justice, I hereby order that the SCF No.43, Sector 15 Faridabad may be restored in favour of the appellant subject to the condition that the appellants will clear all the upto dated dues within 60 days from the date of issue of this order failing which the order of*



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*the respondent will automatically come into force.”*

4. Although, respondent No.2 could not deposit the pending dues within 60 days, yet admittedly deposited the entire outstanding amount by 20.04.1999 and the said amount was duly accepted by the petitioner-authority. Despite the fact that respondent No.2 had deposited the amount after the time granted vide order dated 18.08.1998, the same was accepted by the authorities but suddenly, vide order dated 10.05.1999, resumption order was passed and also an order directing the refund of the amount deposited by respondent No.2 came to be passed. Consequent thereupon, the resumption order was served upon respondent No.2 on 21.05.1999 and an eviction notice was served on 22.06.1999. The said order dated 10.05.1999 served on 21.05.1999 as well as order dated 22.06.1999 were challenged by respondent No.2 by filing an appeal which came to be allowed on 30.09.1999 (Annexure P-5).

5. Aggrieved by the above, Estate Officer, HUDA, Faridabad, filed a revision petition and the same was allowed and the order dated 30.09.1999 was set aside vide which the resumption had been recalled and the same was held to be bad in the eyes of law. Consequently, final resumption order was passed on 18.12.2001 by the Commissioner and Secretary to Government of Haryana, Town and Country Planning Department. It is pertinent to record here that the allottee i.e. respondent No.2 was duly represented by the counsel before the Commissioner and Secretary to Government of Haryana, Town and Country Planning Department, and no order had been passed at the back of respondent No.2.



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6. Shockingly, after more than 20 years, respondent No.2 filed a revision petition invoking provisions of Section 17(8) and 30(2) of the Act before respondent No.1 challenging the order dated 18.12.2001 and vide order dated 30.03.2022, the revision petition was allowed and a penalty of Rs.2,00,000/- was imposed and the resumption order was set aside.

7. More shockingly and surprisingly, the petitioner herein after accepting the order dated 30.03.2022 and accepting the penalty amount of Rs.2,00,000/- has now approached this Court after a passage of approximately more than two years, eight months to challenge the order passed by respondent No.1.

8. Learned counsel for the petitioner has submitted that the impugned order dated 30.03.2022 is *per se* illegal and arbitrary as there is no provision under the law for entertaining a second revision petition. The said revision petition filed by respondent No.2 in the year 2021 was not maintainable and if he was aggrieved by the order dated 18.12.2001, whereby the first revision petition filed by the petitioners was allowed, respondent No.2 had the remedy to approach this Court. It is further submitted that the impugned order has been passed on a revision petition filed after a passage of 20 long years and there is not even a single line explaining the delay in filing the revision petition and how the same was entertained by respondent No.1. It is submitted that although the issue of maintainability of the revision and delay was raised by the petitioner, yet respondent No.1 has not returned any finding but has gone ahead to pass the impugned order only on two grounds i.e. (i) HSVP failed to take the



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possession of the property for the last more than two decades and; (ii) the order dated 10.05.1999 by virtue of which the amount had to be refunded to respondent No.2 was not complied with.

9. Mr. Mittal has also submitted that the impugned order is absolutely illegal and arbitrary as there is no provision for a second revision under the Act. The plea that the order dated 18.12.2001 was not served upon respondent No.2 cannot be accepted for the reason that the said order was passed in the presence of the counsel for respondent No.2 and more so, in the second revision petition filed by respondent No.2, it was nowhere mentioned as to when did respondent No.2 receive the order dated 18.12.2001. Hence, he has prayed for setting aside the order dated 30.03.2022.

10. Heard learned counsel for the petitioner at length.

11. It is a classic case which demonstrates the high handedness and the illegalities which are rampant in the premier department of the State of Haryana dealing with the development of housing and its infrastructure in the State. An order passed by the Additional Chief Secretary is being assailed by the Estate Officer, HSVP, which needs no more attention or space in this order. The act and conduct of both the parties is writ large therefore this Court, refrains from returning any observation qua the same.

12. The present petition demonstrates glaring procedural lapses amounting to irregularities and also illegalities, as the entire provisions of law have been violated by not only the petitioner but also by the respondents. The quasi-judicial authority primarily has demonstrated the



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colourable exercise of power and its blatant misuse as well as abuse of authority. An officer of the rank of Additional Chief Secretary has apparently conducted himself beyond the known canons of law. Much less, the petitioner has also conducted itself in a manner prejudicial to the protection of law much less abiding by the law. The petitioner, despite the resumption orders dated 31.01.1994 and 10.05.1999 which attained finality by the order dated 18.12.2001 passed by the Secretary to the Government of Haryana, Town and Country Planning Department, slept over the matter for two decades for not taking any action and least to say, did not even return the amount which was to be refunded to respondent No.2. What is more appalling to this Court is the fact, that despite there being an order in the revision petition filed by the petitioner and that too, in favour of the petitioner, which was passed on 18.12.2001, the authorities, for obvious reasons purposefully did not act upon the same for two decades. Furthermore, there is no explanation forthcoming qua the above. But shockingly, the conscious of this Court has been pricked that the Additional Chief Secretary, Government of Haryana, on a representation after 20 long years, without even a whisper with regard to the inordinate and unexplained delay, exercised powers of revision and set aside the order of resumption by imposing a penalty of Rs.2 lakhs. The blatant abuse of power does not stop there. The petitioner, accepted the impugned order dated 30.03.2022 passed by the revisional authority, by accepting the amount of penalty imposed, which was *per se* illegal and again after another lapse of almost three years, has filed this petition challenging the impugned order. The matter before



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the Court is indeed exceptional as it unveils a situation wherein the petitioner as well as respondent No.1 (both being the Government Statutory Bodies), have displayed their high handedness, abuse of power and violation of law. The impugned order cannot withstand the test of scrutiny of the legal parameters but at the same time, the Court cannot lose sight of the fact that respondent No.2 (Allottee) had deposited the amount on 20.04.1999 and has been in possession of the property despite all adverse orders against it for the last more than 34 years i.e., since allotment. To dislodge the allottee at this stage would be unfair, though it cannot be ruled out that the allottee is the beneficiary of the illegalities and the irregularities committed by the authorities i.e. the petitioner as well as respondent no.1.

13. Though, it is a fit case where the impugned order is liable to be set aside with exemplary costs, yet the same would be to peril of respondent No.2. Amidst all the above, this Court cannot lose sight of the fact that respondent No.2 had made the entire payment on 20.04.1999 to the authorities along with interest and penalty in furtherance to the order dated 18.08.1998 (Annexure P-3), though with a little delay, but the same was accepted by the authorities with interest. Admittedly, respondent No.2 has been in possession of the said property for the last 34 years and now it would be unjust to evict it, especially when it had deposited the entire dues, way back on 20.04.1999 and has also deposited a sum of Rs. 2 lacs. Therefore, we hereby hold that the impugned order dated 30.03.2022 shall not be followed as a precedent as the same has been passed in the given



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facts of the case, and the same will not be relied upon by any other person or authority.

14. In view of the above, the present writ petition is dismissed. However, the authorities concerned, if so advised may proceed against the erring officers/officials, in accordance with law.

**(SUDHIR SINGH)**  
**JUDGE**

**(ALOK JAIN)**  
**JUDGE**

**May 26, 2025.**

*S.Sethi*

Whether speaking/reasoned:- Yes/No  
Whether Reportable:- Yes/No