

IN THE COURT OF SHRI ARUN GOEL, IAS, SECRETARY, HOUSING &  
URBAN DEVELOPMENT DEPARTMENT, PUNJAB.

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Date of filing the Revision Petition: 23.4.2004

Date of Decision: 17.4.2007

United Co-operative House Building Society, Sector 68, Mohali

... .. Petitioner

Versus

Chief Administrator, Punjab Urban Development Authority, Punjab,  
Chandigarh

The Estate Officer, PUDA, Mohali

... .. Respondent

Present: Shri MS Rana, Advocate, Ld. Counsel for the Petitioner.  
Shri Swaran Singh, Hon. Secretary, The United Cooperative  
House Building Society Ltd., Mohali.

Shri Iqbal Singh, Law Officer, PUDA, Mohali.

#### JUDGEMENT

This is a revision petition U/S 45(8) of the Punjab Regional Town Planning and Development Act, 1993, against the impugned order dated 9.3.2004, passed by the Chief Administrator, PUDA, Mohali, upholding/ confirming the order dated 29.4.2003 passed by the Estate Officer, Mohali, ordering resumption of site allotted to United Co-operative House Building Society, Sector 68, Mohali. It is prayed in the petition that the impugned orders dated 9.3.2004 and dated 29.4.2003, passed by the Additional Chief Administrator, PUDA, Mohali and the Estate Officer, PUDA, Mohali, respectively, be set aside; no amount be demanded from the appellant till the encroachments are removed and the basic civic amenities are provided to the appellant; and that the interest @ 18% p.a. be paid on the amount of

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Rs. 1,92,00,000/- paid by the Society as the PUDA has no right to receive the same till the land free from all encumbrances and encroachments is provided and all the basic amenities are provided by the PUDA to the Society.

The brief facts of the case are that an area measuring 9.20 acres was allotted to The United Co-operative House Building Society Ltd., Mohali (Daun) @ Rs. 1690/- per sq. yds. in Sector 68, Mohali, vide memo No. PUDA-A-4/2000/76 dated 14/3/2000, for residential purpose.

The said area allotted to the Society was resumed by the Estate Officer, PUDA, Mohali on 29.2.2003, due to non-payment of due amount up to 29.4.2003.

An appeal was filed before the Additional Chief Administrator, PUDA, Mohali, against the order of Estate Officer, Mohali, dated 29.4.2003. The plea taken by the Society was that there was an encroachment in the allotted area by way of pond and some 'Baras' existed there. So that was the basic reason that Society has not deposited the due amount. But the representative of PUDA pleaded that the area ~~comes~~ under the encroachment was only 3% of the total area allotted. So actually, the Society is not interested to deposit the due amount deliberately, due to non payment of contributory amount by the respective members of the Society. Consequently, the appeal was dismissed on 9.3.2004, by the Additional Chief Administrator, PUDA, Mohali.

The Society, aggrieved by these orders, filed the present revision petition against the order of Additional Chief Administrator, PUDA, Mohali,

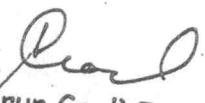
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dated 9.3.2004. The Ld. Special Secretary, Housing & Urban Development Department, Punjab, while exercising the powers of revision, had stopped the proceedings of resumption/eviction, till the final decision of the present revision.

The Secretary Housing & Urban Development, Punjab, has passed a speaking order on 16.12.2004, giving sufficient relief to the petitioner-Society. The genuine grievances of the petitioner were appropriately assessed by the Secretary Housing & Urban Development in his subsequent orders dated 18.1.2005 and 25.1.2005.

As per the Law Officer for the PUDA, the petitioner was supposed to deposit an amount of Rs. 3,35,51,119/- within 60 days from 25.1.2005. However, the petitioner did not deposit any money within this period. Accordingly, PUDA, has already initiated the eviction proceedings in accordance with the orders of Secretary Housing & Urban Development, dated 25.1.2005.

In the present petition the applicants are merely repeating the grounds of their previous petition on the basis of which sufficient relief has already been given. No new substantial plea has been made by the petitioner which needs adjudication. I feel the petitioners are merely adopting dilatory tactics to evade the payment of dues to GMADA (previous PUDA). Hence, I dismiss this petition.

  
(Arun Goel) IAS  
Secretary Housing & Urban Development  
Punjab, Chandigarh.  
17.4.2007

RSHUD OFFICE

Dy No 185

Date 27/4/07