

R.C. CHAWLA

v.

STATE OF HARYANA AND ORS.

JANUARY 12, 1996

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

*Housing :*

*Haryana Urban Development Authority—Allotment of residential premises—Used for commercial purpose defying conditions of allotment—Ordered to comply with the conditions—HUDA at liberty to verify—If it is satisfied that commercial use is stopped it shall withdraw the resumption order.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2343 of 1996.

From the Judgment and Order dated 25.1.90 of the Punjab & Haryana High Court in C.W.P. No. 5576 of 1988.

S.K. Bagga and Ms. S. Bagga for the Appellant.

I.S. Goyal and Ms. Indu Malhotra for the Respondents.

The following Order of the Court was delivered :

Leave granted.

As per the orders of this Court passed earlier, if the appellant wants to avail of the allotment, he necessarily has to comply with the conditions of allotment. Consequently, he cannot use allotted residential premises for commercial purpose. The appellant has filed an affidavit verified on January 4, 1996 stating, among other things, thus :

"That as per the order of Honourable Supreme Court of India, I have got the commercial use of my house stopped w.e.f. 2.1.96.

The above statement is true to the best of my knowledge."

The learned counsel for the respondents states that he does not have

any information as to what was the action taken by the authorities in that behalf. Sri S.K. Bagga, the learned counsel has shown to the learned counsel for the respondents that the statement also was communicated to the HUDA and the respondents. The respondents are at liberty to verify whether the appellant had stopped use of the premises for commercial use w.e.f. January 2, 1996 and on being so satisfied, they are directed to withdraw the impugned resumption order.

The appeal is accordingly disposed of. No costs.

Appeal disposed of.