

From

The Chief Administrator,
Haryana Urban Development Authority,
Sector-6, Panchkula.

To

All the Administrators, HUDA in the State.

All the Estate Officers, HUDA in the State.

Memo No.UB-A-4-2014/ 19590

Dated: 4/8/14

Subject: - Policy regarding de-resumption of residential plots which have been resumed due to misuse.

It has come to the notice that many residential plots have been resumed by HUDA in the past due to misuse of plot for purposes other than residential after following due process of law. However, the allottees of such plots or their successors have challenged the same before the Appellate/Revisional Authorities and also in Courts of law. The Govt. has carefully considered the matter in exercise of the powers conferred under Section 30 (I) of the HUDA Act, 1977 and directs that such resumed plots may be restored to its owners subject to following conditions:-

1. The misuse of the plot has been stopped and the report of the field office alongwith photographs has come on record.
2. The allottee gives an affidavit in writing that it has stopped the misuse and will not use the plot in future for purposes other than what is permitted failing which he will not claim any leniency.
3. The total consideration money of the plot including enhancement price has already been paid in full.
4. The appeal/revision case has been filed by the allottee only and not by any GPA. The Govt. does not want to encourage trading of resumed plots and give benefit to the GPA holders except where the GPA has been executed within the family and is not hit by the orders of the Hon'ble Supreme Court in SLP (C) No. 13917 of 2009 titled as Suraj Lamp & Industries Pvt. Ltd. Vs. State of Haryana & Anr.
5. The allottee shall be liable to pay charges on account of misuse @ Rs. 100/- per sq. mtr. irrespective of the period of misuse.
6. Initiation of eviction proceedings under Section 18 of the HUDA Act shall not be a bar for restoration of such plots. However, where the resumption of plots has been upheld by the Hon'ble High Court/Supreme Court, such cases shall not be reopened.

These orders will be effective in respect of all the residential plots which have been resumed till 30.04.2014. If appeals/revisions in respect of such plots are pending before the Appellate/Revisional Authorities, the necessary orders in terms of this policy shall be passed by the Appellate/ Revisional Authorities. In case these resumption orders have been challenged in the Courts of law, the concerned Estate Officer shall move a Civil Miscellaneous Application in the Court where the case is pending mentioning that HUDA is willing to restore the plot in terms of this policy. In respect of all other plots where no appeal/revision/Court is pending, a time period of 3 months from the date of issuance of this policy is given to such allottees to move an application before the concerned Estate Officer. Thereafter, a decision shall be taken by the concerned Estate Officer with the approval of the concerned Zonal Administrator.

This policy will be applicable with immediate effect and shall cease to operate on 31.12.2014.



(B.B.Taneja)

Dy,Supdt. Urban Branch,
for Chief Administrator, HUDA.

Endst. No 19591

Dated: 4/8/14

A copy of above is forwarded to the following for information and necessary action.

1. The Chief Controller of Finance, HUDA, Panchkula.
2. The Chief Town Planner, HUDA, Panchkula.
3. The Chief Engineer, HUDA, Panchkula.
4. The General Manager (IT), HUDA, Panchkula.
5. The District Attorney, HUDA, Panchkula.



(B.B.Taneja)

Dy,Supdt. Urban Branch,
for Chief Administrator, HUDA