

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 21340 of 2015
Date of Decision: October 06, 2015

Jora Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Jagram Singh Cooner, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus/certiorari directing the official respondents to refund the amount of auction of ₹6,94,200/- along with interest and further pay damages @ ₹25,000/- per acre as the official respondents failed to deliver possession of 39 acres of land which was leased on 05.08.2014 in open auction for the period commencing from 05.08.2014 to 15.05.2015 and quashing order dated 17.07.2015/20.07.2015 (Annexure P/12) which is alleged to have been passed illegally.

I have heard learned counsel for the petitioner and perused

the paper-book.

Petitioner earlier filed a C.W.P. No. 9686 of 2015 before this Court with regard to the same relief as in the present writ petition. Vide order dated 15.05.2015 (Annexure P/11), this Court passed the following order:-

“..... In the light of the statement made by the counsel for the petitioner, the present writ petition is disposed of without going into the merits of the case or commenting thereon, with directions to the Sub Divisional Magistrate, Samalkha, District Panipat (Receiver Dhansoli)-respondent no.3 to consider and decide the legal notice dated 25.03.2015 (Annexure P-8) within a period of four weeks from the date of receipt of certified copy of the order.

In case, the claim of the petitioner is accepted, the consequential benefits, if any, be released to the petitioner, in accordance with law, within a further period of four weeks. Decision so taken be conveyed to the petitioner forthwith.”

Thereafter, order dated 20.07.2015 (Annexure P/12) has been passed by the Sub Divisional Magistrate (Civil) Samalkha-cum-Supdar, Dhansoli. In the said order, it has been held that petitioner could not prove that possession of 39 acres of land has not been given to him and the same is under possession of someone else. Now, the only

not been delivered the possession of 39 acres of land, he has suffered a loss, firstly, on account of deposit of auction money, secondly, on account of damages.

After considering the pleadings and arguments of learned counsel for the petitioner, I am of the view that disputed facts are involved which cannot be appreciated in exercise of the writ jurisdiction as to whether the possession was actually delivered to the petitioner or not. It can only be proved by way of leading evidence before the competent court. Otherwise also, the term of the lease has already expired on 15.05.2015.

In view of above, instant writ petition is dismissed. However, petitioner will be at liberty to approach the appropriate forum including civil Court.

October 06, 2015
vkd

[Paramjeet Singh]
Judge