

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

CWP No.25042 of 2015
Date of Decision: 01.12.2015

Pardeep Singh

. . . .Petitioner

Versus

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Jatin Salwan, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved by an order dated 18.6.2014 passed by the Medical Superintendent of Shri Guru Teg Bahadur Hospital, Amritsar.

In short, the case set up by the petitioner is that the Department of Medical Education and Research, Government of Punjab, framed a policy dated 18.2.2008 regarding allotment of shops/booths/space in the complex of Medical/Dental Colleges/Ayurvedic Colleges and attached hospital, according to which the shops have to be allotted by way of an auction for three years lease by making proper publication of the tenders, with the stipulation of increase of rent @ 5% every year, subject to the reservations to various categories mentioned in Clause 7 of the said policy. As per the auction notice dated 9.3.2015, the auction of the shop in question was fixed for 22.3.2012 at 11.00 A.M. in which one

Rakesh Kumar was the highest bidder for an amount of ₹3,94,000/- but before the allotment could have been made to him, he died on 22.2.2014 and after his death, the respondents have allotted the said shop to his wife Anju vide order dated 18.6.2014 instead of putting the said property to auction once again.

It is submitted by learned counsel for the petitioner that in the order dated 18.6.2014, Anju was granted time to complete the formalities within three days, which are not competed by her and now the petitioner is anticipating that the respondents may not allot the shop in question to Anju wd/o Rakesh Kumar on the basis of auction which took place on 5.9.2013.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that the remedy lies with the petitioner by filing a suit for declaration and permanent injunction. The petitioner is basically asking for injunction which cannot be granted in the writ petition.

Consequently, the present petition is disposed of with liberty to the petitioner to take up his remedy, in accordance with law, by filing civil suit.

01.12.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**