

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 30.6.2015

CWP No.4521 of 2015

Kuldeep and others

---Petitioners

versus

**Financial Commissioner Revenue-cum-Addl. Chief Secretary and
others**

---Respondents

CWP No.4522 of 2015

Kuldeep and others

---Petitioners

versus

**Financial Commissioner Revenue-cum-Addl. Chief Secretary and
others**

---Respondents

**Coram: Hon'ble Mr. Justice Ajay Kumar Mittal
 Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Shalender Mohan, Advocate
 for the petitioners**

Ms. Palika Monga, DAG Haryana

**Mr. Prateek Mahajan, Advocate
for respondent Nos.2 and 3**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporter or not?**
- 3. Whether the judgment should be reported in the Digest?**

Rekha Mittal, J.

**This order will dispose of C.W.P. No. 4521 of 2015 titled
“Kuldeep and others vs. Revenue-cum- Additional Chief Secretary and**

others” and C.W.P. No. 4522 of 2015 titled “Kuldeep and others vs. Revenue-cum- Additional Chief Secretary and others” as identical questions of law and fact are involved for adjudication. For brevity, facts are taken from C.W.P. No. 4521 of 2015.

The factual matrix of the case is that Booth No. 19, New Vegetable Market, Jhajjar was allotted to Sh. Bhgwan Singh vide allotment No. 61 dated 8.2.2008 in open auction as per rules. The allotment letter (Annexure P-1) was issued containing the terms and conditions of allotment as well as schedule of payment of allotment price. The original allottee (petitioner No. 3) entered into an agreement to sell the booth in favour of petitioner Nos. 1 and 2 vide agreement dated 18.2.2013. Sh. Bhagwan Singh had paid an amount of ₹16,45,000/- vide receipts dated 5.2.2013, 29.5.2013 and 19.8.2013. He submitted an application to respondent No. 2 for depositing outstanding amount vide application dated 8.9.2014 (Annexure P-2). Respondent No. 3 passed resumption order dated 28.11.2014 (Annexure P-3). The appeal preferred by petitioner No. 1 against the resumption order was dismissed by respondent No. 2 vide order dated 27.1.2015 (Annexure P-5). The petitioners have filed the revision petition under Section 42 of the Punjab Agriculture Produce Markets Act, 1961 read with Rule 11 of the Sale of Immovable Property Rules before respondent No. 1 on 2.3.2015 and the same is pending.

The sole submission made by counsel for the petitioners is that neither the revisional authority has listed the said revision for hearing on a date nor considered prayer of the petitioners for grant of interim relief pending disposal of the revision petition. It is argued with vehemence that

a serious prejudice is likely to be caused to the petitioners in case the respondents are successful in taking over possession of the booth in question pending decision of the revision petition on its merits. It is prayed that either the respondents may be directed to dispose of the revision petition within a stipulated period or dispossession of the petitioners may be stayed pending disposal of the revision petition.

Counsel for the respondents, on the contrary, would urge that as the allottee failed to adhere to the payment schedule resulting in outstanding liability to several lakhs, there was no option with the respondents except to resume the property in dispute in compliance with the terms and conditions of the allotment letter. It is further contended that as a large number of revision petitions are pending before the revisional authority, it is practically inviable to take up the revision petition preferred by the petitioners for disposal. However, it is argued that as petitioner No. 3 has committed default in making payment of the allotment price, the petitioners are not entitled to any interim relief.

We have heard counsel for the parties and perused the records.

There is no denial that the petitioners have availed of statutory remedy of filing the revision petition against the order of resumption passed by respondent No. 3. Pendency of number of cases before the revisional authority can not be allowed to deprive the petitioners of their legal right to be heard in the matter for grant of interim relief before they lose possession of the property in question in pursuance of resumption order, pending sub judice.

In view of the above, without commenting upon merits of the

revision petition preferred by the petitioners, the petitions stand disposed of with a direction to the revisional authority (respondent No. 1) to decide the prayer for grant of interim relief within a period of one month from the date of receipt of certified copy of the order. It is further directed that till the decision qua interim relief is made by the revisional authority, no coercive steps shall be taken by the respondents to dispossess the petitioners from the booth(s) in question.

(Rekha Mittal)
Judge

(Ajay Kumar Mittal)
Judge

30.6.2015

PARAMJIT