

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

CWP No.9686 of 2015

Date of Decision: May 15, 2015

Jora Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. J. S. Cooner, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (Oral):

Counsel for the petitioner contends that in an auction which was held on 05.08.2014, petitioner was successful bidder for land measuring 527 acres for a lease period of 05.08.2014 to 15.05.2015. He was required to and had deposited an amount of ₹23,45,150/- which is the 25% of the total amount which was deposited on 07.08.2014 (Annexure P-2). The remaining amount of ₹58,19,750/- was deposited by the petitioner on 19.08.2014. Qua the 39 acres of land which was left out, an amount of ₹6,94,200/- was deposited as the lease money on 01.10.2014 by the petitioner but possession whereof was not given to the petitioner. Despite receipt of the said amount by the Sub Divisional Magistrate, Samalkha, District Panipat, who was appointed the Receiver, the possession of the said land measuring 39 acres was not handed over to the petitioner. The lease period comes to an end on 15.05.2015 and till date, the possession thereof has not been handed over. Since the possession of 39 acres of auction land was not handed over to the petitioner, he is entitled to refund of the amount of ₹6,94,200/- deposited for the said land. Petitioner had been

approaching the respondents for granting him the possession of the land and he ultimately on 25.03.2015 (Annexure P-8) served a notice through counsel for refund of the amount and for grant of compensation for not having handed over the possession and retaining the amount deposited by him on 01.10.2014.

Counsel for the petitioner contends that the petitioner, at this stage, would be satisfied if a direction is issued 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) of the petitioner within some specified time.

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 two weeks. Decision so taken be conveyed to the petitioner forthwith.

May 15, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE