

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

LPA No. 248 of 2015 (O&M)

DATE OF DECISION : 09.03.2015

Municipal Committee, Ratia, through its Secretary

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Jagdish Manchanda, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

Municipal Committee, Ratia, has filed this intra-court appeal under Clause X of the Letters Patent against the order dated 09.12.2014 passed by the learned Single Judge, whereby while disposing of the writ petition (CWP No. 21242 of 2013) filed by respondents No.3 to 15 herein, the appellant committee has been directed to refund the amount deposited by them for taking lease of the shops constructed by the appellant committee, with interest at the rate of 9% per annum from the date of deposit till payment, as the appellant committee was not in a position to deliver possession of those auctioned shops to respondents No.3 to 15, due to the stay granted by this court in RSA No. 1712 of 2013.

We have heard learned counsel for the appellant and have gone

through the order passed by the learned Single Judge.

Undisputedly, in this case, certain residents of Ratia town claiming their possession as well as title on certain land, filed a civil suit against the appellant committee, wherein Regular Second Appeal (RSA No. 1712 of 2013) filed by the plaintiffs in the civil suit is pending in this court, and interim order of status quo with regard to possession is existing. Undisputedly, due to pendency of the said RSA as well as the interim order passed therein, the appellant committee could not deliver possession to the bidders, who had given highest bid in the auction for taking the shops of the appellant committee on lease. The auction had taken place on 18.04.2013. Even after the passage of about two years, the possession of the auctioned shops has not been delivered to the successful bidders.

In these facts and circumstances, the bidders (respondents No.3 to 15 herein) approached this court by filing the aforesaid writ petition (CWP No. 21242 of 2013) seeking direction to the appellant committee, either to deliver possession of the auctioned shops to them or to refund their amount with interest. The learned Single Judge ordered for refund of the amount paid by respondents No.3 to 15 with interest at the rate of 9% per annum, as the appellant committee was not in a position to deliver possession of the shops to them.

We do not find this order to be unreasonable or illegal in any manner. Even today, due to the interim order existing in the aforesaid RSA,

the appellant committee is not in a position to deliver possession of the auctioned shops to respondents No.3 to 15 and on the contention of the appellant committee that the aforesaid RSA may be decided on the next date of hearing, respondents No.3 to 15 cannot be compelled to wait for more time. Thus, we do not find any ground to interfere with the impugned order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 09, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE