

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12494 of 2016

Date of Decision: 4.7.2016

Rajesh Kumar and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Rajnish K. Gupta, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the letter dated 20.11.2014 (Annexure P-6) issued by respondent No.2 in compliance with the order dated 17.11.2014 (Annexure P-5) suspending the allotment letter issued to them. Further, a writ of mandamus has been sought directing the respondents to refund the amount deposited by the petitioners along with interest @ 19% (monthly rest) and cost of construction in lieu of allotment made to the petitioners from the date of deposit till its refund.

2. The respondents have carved out Additional New Grain

Market by issuing pamphlet (Annexure P-1) for the auction of commercial plots of various sizes on the basis of open auction. The petitioners participated in the open auction held on 11.2.2014 and gave a highest bid of ₹ 41,61,000/- for a plot measuring 12' x 27.5'. The confirmation of draw of lots was approved by respondent No.2 vide letter dated 15.7.2014. The petitioners were allotted booth No.4 in Additional New Grain Market, Cheeka, District Kaithal, vide allotment letter dated 31.7.2014 (Annexure P-2). After issuance of the allotment letter, Annexure P-2, the petitioners deposited 25% of the allotment/bid money. After possession, the petitioners constructed the booth as per the approved site plan of the respondents by spending ₹ 6-7 lacs. This Court vide order dated 10.2.2014 (Annexure P-3) ordered that the auction could not be confirmed without deciding the rights of the writ petitioners of CWP No. 2432 of 2014. The said writ petitioners sent a letter dated 10.2.2014 (Annexure P-4) to the respondents requesting for deferment of the auction till the decision of CWP No. 2432 of 2014. When the order dated 10.2.2014 (Annexure P-3) was not complied with, COCP No. 2239 of 2014 was filed whereupon, order dated 17.11.2014 (Annexure P-5) was passed by respondent No.1 suspending the allotment and confirmation of bid made by respondent No.2. Respondent No.2 issued a letter dated 20.11.2014 to the office of respondent No.3 informing that respondent No.1 had suspended the allotment letters with immediate effect and vide letter dated 22.11.2014 (both letters Annexure P-6 Colly) the petitioners were informed that the allotment letter pursuant to their bid had been suspended. The petitioners along with others filed revision petition against the suspension of their licences which was rejected by respondent No.1 vide

order dated 15.12.2014 (Annexure P-7). The Additional New Grain Market was notified vide notification dated 23.12.2014 (Annexure P-8). Thereafter, the petitioners moved a representation dated 19.1.2015 (Annexure P-9) to respondent No.2 for refund of amount deposited by them in lieu of allotment of booth No.4 in Additional New Grain Market, Cheeka, District Kaithal, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a representation dated 19.1.2015 (Annexure P-9) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 19.1.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case the petitioners are found entitled to the amount of refund, the same be released to them within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

July 4, 2016
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(RAMENDRA JAIN)
JUDGE