

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13349 of 2016

Date of Decision: 26.7.2016

Gaurav Jain and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Arun Bansal, 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 letters dated 20.11.2014 (Annexure P-8) issued by respondent No.2 in compliance with the order dated 17.11.2014 (Annexure P-7) suspending the allotment letter issued to them and dated 18.4.2016 (Annexure P-11) directing the petitioners to deposit the outstanding dues as per the allotment letter. Further, a writ of mandamus has been sought directing the respondents to refund the amount deposited by the petitioners along with interest @ 21% (monthly rest) from the date of deposit till its refund.

2. Respondent No.2 issued a notice dated 11.2.2014 (Annexure P-1) for open auction of booth sites. The petitioners participated in the said

auction and being the highest bidder for booth No.12, measuring 12' x 27.5', were allotted booth No.12. The said auction process was confirmed vide letter dated 15.7.2014 (Annexure P-2). The petitioners were issued allotment letter dated 31.7.2014 (Annexure P-3) after receipt of 25% of the allotment price/bid amount. Respondent No.3 issued possession letter dated 6.8.2014 (Annexure P-4) to the petitioners in terms of the allotment letter. This Court vide order dated 10.2.2014 (Annexure P-5) passed in CWP No. 2432 of 2014 ordered that the auction shall 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-6) to the respondents requesting for deferment of the auction till the decision of CWP No. 2432 of 2014. When the order, Annexure P-5, was not complied with, COCP No. 2239 of 2014 was filed whereupon, order dated 17.11.2014 (Annexure P-7) was passed by respondent No.1 suspending the allotment and confirmation of bid made by respondent No.2. The copy of the order, Annexure P-5, passed in CWP No. 2432 of 2012 was supplied by the petitioners vide letter dated 12.3.2014. Respondent No.2 vide letter dated 20.11.2014 (Annexure P-8) informed respondent No.3 regarding suspension of the allotment letters issued to the successful bidders who vide letter dated 22.11.2014 (Annexure P-9) conveyed the order, Annexure P-7, to the petitioners. Thereafter, the petitioners approached the respondents either to withdraw the order, Annexure P-7 and letter dated 20.11.2014 (Annexure P-8) or to refund their amount along with interest, but to no effect. Some of the similarly situated persons who also purchased plots/booths in the auction held on 11.2.2014 had filed CWP No. 23864 of 2014 for refund of their amount along with interest and this Court vide order dated 31.3.2016

(Annexure P-10) directed the respondents to refund the amount along with interest to them. The respondents vide letter dated 18.4.2016 (Annexure P-11) in reference to letter dated 17.3.2016 regularized the allotment of plots and directed the petitioners to deposit the outstanding dues as per allotment letter. In response thereto, the petitioners vide reply dated 30.5.2016 (Annexure P-12) requested the respondents to supply copy of the letter dated 17.3.2016 and to refund their deposited amount along with interest from the date of the deposit till its refund. However, no action has so far been taken thereon. This Court vide order dated 22.4.2016 (Annexure P-13) in COCP No. 2239 of 2014 called the concerned officers in person. Further, the Additional New Grain Market, Cheeka where the plots had been sold by the respondents was not even notified by the respondents on the date of auction and the same was notified after the passing of the order dated 15.12.2014 (Annexure P-14) vide notification dated 23.12.2014 (Annexure P-15). Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, petitioner No.1 has submitted reply dated 30.5.2016 (Annexure P-12) 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.2 to take a decision on the reply dated 30.5.2016 (Annexure P-12), 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 26, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No