

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13407 of 2016

Date of Decision: 13.7.2016

Punjab Transport Company (Regd.), Jalandhar now at Ambala Road,
Saharanpur

....Petitioner.

Versus

State of Punjab 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. Sanjay Tangri, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to demarcate and hand over the physical possession of plot bearing booking agency No.131 comprised in the Development Scheme of 74.9 acres (known as Transport Nagar, Jalandary). Further, a direction has been sought to the respondents for refund of ₹ 8,67,757.45 already paid by the petitioner along with interest @ 18% per annum compounded half yearly calculated from the date of deposit till its refund.

2. Respondent No.2 had advertised the scheme for allotment of

plots to the Goods Booking Agency in Transport Nagar, Jalandhar by way of auction. In pursuance thereto, the petitioner applied for the sale of Booking Agency No.131 in the Development Scheme of 74.59 Acre known as Transport Nagar, Jalandhar. The petitioner gave a bid of ₹ 5,01,800/- for Booking Agency No.131 which was accepted and the same was allotted to it by respondent No.2 vide letter dated 6.9.1991 (Annexure P-1). The petitioner paid a sum of ₹ 8,67,757.45 to respondent No.2 towards the allotment of the said booking agency. However, the booking agency of the petitioner was cancelled vide letter dated 30.11.1993 and later on the same was restored after payment of penalty vide letter dated 18.1.1999 (Annexure P-2). The respondents had failed to hand over the possession of the allotted plot to the petitioner on the ground that the litigation was pending between them and the owners of the land and the Civil Court at Jalandhar had stayed the dispossession of the owners vide order dated 24.1.1998 (Annexure P-3). The petitioner made representations, Annexures P-4 to P-8, respectively to the respondents for possession of the plot in question, but to no effect. In the year 2003, the suit filed by Parkash Kaur against respondent No.2 regarding the suit land was withdrawn vide order dated 26.8.2003 (Annexure P-9). The said suit was withdrawn on the statement dated 26.8.2003 (Annexure P-10) made by the counsel of Parkash Kaur due to pendency of CWP No. 16306 of 1995 regarding the suit property. The said writ petition was dismissed for non-prosecution by this Court vide order dated 29.4.2014 (Annexure P-11). Thereafter, the petitioner sent a legal notice dated 28.9.2015 (Annexure P-12) to respondents No.2 and 3 for handing over the physical possession of the plot in question, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has served a legal notice dated 28.9.2015 (Annexure P-12) upon respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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 legal notice dated 28.9.2015 (Annexure P-12), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 13, 2016
gbs

(RAMENDRA JAIN)
JUDGE