

CWP No.15604 of 2015

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

CWP No.15604 of 2015
Date of decision: 04.10.2016

Joginder Singh Rataul

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: - Mr. Anupam Bhardwaj, Advocate, for the petitioner.
Mr. Rajinder Goyal, Addl. A.G., Punjab.
Mr. S.C. Pathela, Advocate, for respondents No.2 and 3.

AJAY KUMAR MITTAL, J. (ORAL)

Prayer in this writ petition filed under Articles 226/227 of the Constitution has been made for issuance of a writ in the nature of *mandamus* for directing the respondents to hand over the vacant physical possession of plot No.314-B situated at Mall Mandi (Shri Guru Teg Bahadur Nagar) Amritsar to the petitioner in view of allotment letter dated 30.12.2009 (Annexure P-1) in favour of the petitioner, further prayer has been made for directing the respondents to refund the amount of ₹ 3,17,645/-, which has been deposited by the petitioner for transferring the plot in the name of his son Sh. Manjit Singh and claim has also been made that respondents be restrained from charging any interest/penal interest or any incidental charges from the petitioner till the vacant physical possession of the plot in question is handed over to the petitioner and his son along with all basic amenities.

CWP No.15604 of 2015

respondents No.2 and 3 petitioner was directed to appear before Sh. Mohan Lal, Junior Engineer on 03.10.2016 for getting the physical possession of the property in dispute. Learned counsel for the parties state that son of the petitioner had approached the Junior Engineer on 29.09.2016 and possession of the said property has been delivered to him on behalf of the petitioner. Photocopy of the possession slip has been produced in Court, which is taken on record.

3. Learned counsel for the petitioner submitted that so far as the claim for refund of ₹ 3,17,645/- is concerned, he shall file a detailed and comprehensive representation before respondent No.2, however, a time bound direction may be issued to respondent No.2 to decide the same after hearing the petitioner.

4. In view of above, present writ petition is disposed of by permitting the petitioner to file a detailed and comprehensive representation with regard to refund of ₹ 3,17,645/- within a period of one month from today. In case such a representation is filed, same shall be decided by respondent No.2 within a period of three months from the date of its receipt by passing a speaking order and after affording an opportunity of hearing to the petitioner in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

04.10.2016
R.S.