

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15575 of 2016

Date of Decision: 4.8.2016

Krishan Kumar

....Petitioner.

Versus

Punjab State Agricultural Marketing Board, Punjab and others

...Respondents.

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

PRESENT: Mr. L.S. Sidhu, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 respondent No.2 to refund the sale consideration (bid amount) of booth/Plot No.443, New Grain Market, Mansa which is over and above the amount ordered to be forfeited and to pay interest @ 15% per annum against the delayed payment.

2. On 6.12.2010, an auction was conducted in Mandi Mansa for sale of plots. The petitioner participated in the said auction and being highest bidder was allotted booth No.443, measuring 8.3 x 24.9 square feet for the sale consideration of ₹ 27,25,000/-. He deposited 25% of the bid amount, i.e. ₹ 6,81,250/- and allotment letter dated 27.12.2010 (Annexure P-1) was issued in their favour. The petitioner paid the remaining 75% bid amount along with interest vide cheques/receipts (Annexure P-2 Colly).

Thereafter, the petitioner moved an application dated 3.6.2015 along with self-declaration (Annexure P-3 Colly) to respondent No.2 for allowing him to commence with the business of wine from the said booth. Respondent No.2 vide letter dated 17.6.2015 (Annexure P-4) referring to condition No.9 of the allotment letter, called upon the petitioner to show cause within seven days regarding his request for starting the business of wine from the said booth. The petitioner filed reply to the said show cause notice. Respondent No.2 vide order dated 3.7.2015 (Annexure P-5) ordered for resumption of the booth in question and directed respondent No.3 to take possession of the same from the petitioner under intimation to respondent No.2 regarding the same. In compliance with the order, Annexure P-5, the petitioner handed over the possession of the booth to respondent No.3 vide letter dated 13.7.2015 (Annexure P-6) who sent official intimation to respondent No.2 vide letter dated 13.7.2015 (Annexure P-7). Thereafter, the petitioner vide letter dated 1.1.2016 (Annexure P-8) requested respondent No.2 for refunding the amount of sale consideration after making necessary deductions. When no action was taken thereon, the petitioner sent a reminder dated 18.1.2016 (Annexure P-9), but to no effect. Respondent No.2 vide letter dated 4.2.2016 (Annexure P-10) made an offer to the petitioner to retain the booth in question. The petitioner rejected the said offer vide letter dated 6.2.2016 (Annexure P-11) and requested for refund of the amount. Thereafter, the petitioner served a legal notice dated 5.5.2016 (Annexure P-12) upon respondent No.2 for refund of the amount of sale consideration along with interest @ 15% per annum calculated from 3.7.2015 onwards, 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 sent a legal notice dated 5.5.2016 (Annexure P-12) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the 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 5.5.2016 (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. It is further directed that in case the petitioner is found entitled to the amount of interest, the same be released to him within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

August 4, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No