

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

CWP No.27120 of 2015

Date of Decision : 6.1.2016

Krishan Gopal

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present: Mr. Sunil Chadha, Sr. Advocate with
Ms. Swati Verma, Advocate
for the petitioners.

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MAHESH GROVER.J.

The petitioner impugns the notices Annexures P-4 and P-6. It is not in dispute that the petitioner possesses the shops as a tenant under the Municipal Council after a bid in an open auction. There was, however, some dispute regarding the shops as despite auction they were not ready for possession. The matter was referred to an arbitrator, who gave an award, the relevant portion of which may be extracted hereinbelow :-

“21. In view of the above findings, award is passed in favour of the petitioners against the respondents with costs of Rs.10,000/- (Rupees Ten Thousand only) and Municipal Council, Thanesar, is directed to complete the work in all the respects of the shopping complex, situated in Kacha Gher, Thanesar within one month, if

already completed, a notice be issued to the petitioners to take possession of the respective shops and also to execute the agreement within a week. Municipal Council is further directed to give interest on the advance rent as well as non-refundable security, at the rate of interest offered by Nationalized Bank i.e. 7% per annum, till physical possession is handed over to the petitioners/allottees. Petitioners are further awarded damages by way of 12% interest on non-refundable security till delivery of possession as they have suffered mentally as well as loss of their possession. Requisite stamp papers be filed within week.”

Learned counsel for the petitioner contends that in view of the aforesaid findings of the arbitrator, the petitioner would not be bound to pay the rent in terms of the notices unless it was reconciled to the terms of the award. The petitioner has submitted reply to the notices in this regard which has not yet been considered by the competent authority who insists on the execution of the notices in entirety.

Since an opportunity has been given to the petitioner to respond to the notices which he has already availed, it would not be appropriate for this court to exercise the writ jurisdiction at

this stage. It would rather benefit the situation if respondent no.2 or any other authority of the Municipal Council empowered under the act is directed to look into the reply submitted by the petitioner and pass appropriate order thereon after giving a hearing to the petitioner before insisting on the payment of rent. The needful be done as expeditiously as possible, preferably within a period of one month from the date of receipt of notice considering the fact that the interest of the Council would be better served with an expeditious disposal.

Petition stands disposed of.

6.1.2016
dss

(MAHESH GROVER)
JUDGE