

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CR No.5682 of 2016
Date of decision: 01.12.2017

Deputy Ram

..... Petitioner

Versus

Municipal Council, Bhucho Mandi

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.L. Bajaj, Advocate
for the petitioner.

Mr. Sachin Luthra, Advocate, for
Mr. I.S. Sidhu, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner is in revision petition against the order dismissing the application under Order 39 Rule 1 and 2 for grant of ad-interim injunction restraining the defendant from illegally and forcibly recovering a sum of Rs.10 lacs being non-refundable amount in connection with the lease of vacant plot/shop No.3 situated at Park Road, Bhucho Mandi, District Bathinda. Appeal filed by the plaintiff was also dismissed.

It is not disputed before me that pursuant to an advertisement, petitioner participated in a public auction held to give on lease a vacant plot. In the public notice, it was provided that the successful person would be required to pay Rs.10 lacs as non-refundable amount. It is admitted position on the record that the plaintiff-petitioner after giving the highest offer refused to pay the aforesaid Rs.10 lacs. Once it was a pre-condition

that before a property is given on lease, the successful bidder shall be required to deposit Rs.10 lacs as non-refundable amount, the plaintiff cannot claim any equity.

Learned counsel for the petitioner has drawn attention of the Court to the information obtained under the Right to Information Act, 2005 (Annexures P-6 and P-7) to contend that Government has not issued any such instructions.

The property belongs to a local authority i.e. Nagar Council which is an independent body. If such authority while giving on lease its property has imposed a condition, petitioner cannot claim any exemption from payment.

In view of the above, there is no scope for interference in the order passed by the Court.

Revision petition is dismissed.

01.12.2017

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No