

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

**CWP No.12276 of 2015
Date of decision:20.03.2017**

Neeraj Gumber

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl.A.G.Punjab.

Mr. Prem Kumar, Advocate
for respondent No.4.

AMIT RAWAL J. (Oral)

The grievance of the petitioner in the present writ petition is that despite the property having been purchased in open auction way back in the year 1999, the entire sale consideration having been paid, much less in possession, the conveyance deed has not been executed.

On the other hand, stand of respondent No.4-Municipal Council Abohar is that the property along with other property was subject matter of attachment owing to the Civil Court decree, whereas, an application Annexure R4/1 for release of the said property has been moved which has been dismissed and the appeal filed against the same is pending adjudication.

I am of the view that probably, Municipal Council is not pursuing the matter diligently and therefore, grant the liberty to the

petitioner to join the proceedings, i.e., appeal filed against the dismissal of an application, (Annexure R4/1) and apprise the Court with regard to release of the property by placing on record the material as attached with this writ petition.

Mr. Prem Kumar, Advocate assures that Municipal Council shall also argue the matter with full vehemence and diligence.

Learned counsel for the petitioner submits that decrees are being passed against the Municipal Council for non-payment of retial dues and as a result thereof, such orders are being passed causing inconvenience to similarly situated persons.

It is strange that Municipal Council is not acting diligently and complying with the judgment and decree of the Civil Court resulting into unnecessarily harassment. Such lackadaisical approach in getting the property attached way back in the year 2007, whereas, the property was sold in auction in 1999, is nothing but an act of abberation.

Resultantly, the writ petition is disposed of with a direction to the petitioner to join the proceedings qua release of property from attachment and respondent No.4 shall take appropriate steps in compliance of the judgment and decree so that the property which is subject matter of the attachment would be released.

Though I had intended to call and impose costs upon the concerned Executive Officer to explain for not satisfying the judgment and decree of the Civil Court, in case, the same has attained finality as it would entail into recurring interest which may be causing a big hole in the

exchequer, as the State is already reeling under debt. However, I do not deem it appropriate to take action. If such effort is not made by respondent No.4, the petitioner is at liberty to move an appropriate application in this writ petition. If the property is being released from the attachment, respondent No.4 shall thereafter immediately undertake an exercise of execution of the conveyance/sale deed in favour of the petitioner.

Writ petition stands disposed of in the aforementioned terms.

(AMIT RAWAL)
JUDGE

March 20, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No