

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

Civil Writ Petition No.15289 of 2015
Date of Decision: March 17, 2017

Shankar Lal Pandey

...Petitioner

Versus

Deputy Commissioner, Narnaul & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.S.N.Saini, Advocate,
for the petitioner.

Mr.Sandeep Singh Mann, Sr.DAG, Haryana,
for the State.

AMIT RAWAL, J. (Oral)

The grievance of the petitioner is that he being the successful bidder in an open auction held way back in 1998, has not been given the possession of the land on the premise that the land, which is subject matter of the auction, is in the possession of unauthorised occupants, who have already lost upto the highest Courts four times. The aforementioned fact is not being denied by the learned State Counsel. However, he submits that a particular date and time be fixed for handing over the possession to the petitioner. He submits that during the interregnum, there was some interim stay by one of the competent authority in view of the promulgation of the policy qua rehabilitation of the unauthorised occupants. Even thereafter, once the auction has been held in 1998 and realising that the State would be utilising the land at their hand, yet entertained the application of the applicant vis-a-vis the land which is already subject matter of the auction.

In my view, the aforementioned order of stay would pale into insignificance, for, it was within the knowledge of the respondents. However, in case the so-called unauthorised occupant succeeds on the entitlement, the same would be subject to the other land and not the one which has been put to auction, whereas Mr.Saini submits that such person would not have any right to seek allotment in view of the party having lost. Be that as it may, the fact remains that an obligation is cast upon the State to hand over the possession of the land, much less entire auction amount has already been deposited and the sale deed has also been executed, but the petitioner has been deprived to enjoy the fruits of the same.

Accordingly, the present writ petition is disposed of with a direction to the Deputy Commissioner, Narnaul to fix the date for handing over the possession. He may take the assistance of the police for complying with the order of this Court for the purpose of handing over the land, which is the subject matter of the sale deed executed in favour of the petitioner within a period of two months from the date of receipt of certified copy of this order.

March 17, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No