

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 6314 of 2017

Date of Decision: 28.3.2017

Nikhil Lalit and others

....Petitioners.

Versus

Union of India and others

...Respondents.

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

PRESENT: Mr. K.K. Goel, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing respondent No.4 to transfer the property and land of plot No. 1055, Phase I, MIE, Bahadurgarh, District Jhajjar, as per sale certificate dated 24.9.2015 (Annexure P-1) and the sale deed dated 23.9.2015 (Annexure P-2) executed by respondent No.2 in their favour.

2. Respondent No.2 issued a publication for the sale of plot No.1055, Phase I, MIE, Bahadurgarh, District Jhajjar under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for non-payment of bank dues by M/s Meghdoot Appliances Ltd. In response thereto, the petitioners submitted their bid which was accepted by respondent No.2 for a sum of ₹ 93,00,000/-. The sale certificate dated 24.9.2015 (Annexure P-1) regarding the plot in

question was issued to the petitioners. After the payment of the sale consideration, the sale deed dated 25.9.2015 (Annexure P-2) was executed in favour of the petitioners and the possession of the plot in question was handed over to the petitioners. Thereafter, the petitioners moved an application dated 15.10.2015 (Annexure P-3) to respondent No.3 for transfer of the property in question. Respondent No.3 vide letter dated 9.3.2016 (Annexure P-4) asked the petitioners to deposit the transfer fee of ₹ 72,735/- and to obtain the No Objection Certificate (NOC) from the office of respondent No.4. In pursuance thereto, the petitioners approached the office of respondent No.4 for issuance of NOC as required vide letter dated 16.3.2016 who instead of issuance of NOC, issued two letters dated 20.1.2015 (Annexure P-5) and dated 10.8.2015 (Annexure P-6) to the effect that ₹ 81,59,046/- and ₹ 1,44,12,315/- plus interest were to be paid by respondent No.5 under the Punjab Land Revenue Act, 1887, RC 9212. The petitioners contacted respondent No.2 for transfer of the property in their favour, but to no effect. Accordingly, the petitioners served a legal notice dated 15.9.2016 (Annexure P-7) upon respondent No.2 for transfer of plot No. 1055, Phase I, MIE, Bahadurgarh, District Jhajjar in their favour, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 15.9.2016 (Annexure P-7) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 15.9.2016 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 28, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No