

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

**CWP No. 14038 of 2016 (O&M)
Date of Decision : 22.03.2018**

Munish Kumar and others	Versus	...Petitioners
State of Punjab and others		...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Karan Gupta, Advocate for the petitioners.

Mr. Jagmohan S. Ghuman, Deputy Advocate General, Punjab.

Mr. R.S. Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate for respondent No. 2.

Ms. Amandeep Sibia, Advocate for respondent No. 3.

Mr. Sandeep Khunger, Advocate for respondents No. 5 and 6.

Anupinder Singh Grewal, J.

The petitioners are, *inter alia*, seeking a direction to the official respondents to provide them entry points for the sites purchased by them in the auction. They have sought a writ in the nature of certiorari for quashing auction proceedings conducted by respondents No. 1 and 3 on 01.10.2015 inasmuch as point 'C' was an entry/exit point and could not have been put up for auction.

2. The petitioners are auction purchasers/subsequent transferees of the original purchasers of the sites sold by respondent No. 2 in the auction held on 27.02.2015. It is stated that the State of Punjab was owner of part of land bearing Khasra No. 561 on which Tehsil Complex was setup and as the building was very old, it was decided to shift the same and

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develop the land for commercial use. The land was transferred to PUDA, which decided to develop the land and part of the land was put to auction on 27.02.2015. It is further stated that in terms of the zoning plan, the commercial complex was to have 3 entry/exit points, which have been shown as point 'A' to 'C' in the zoning plan, annexed as Annexure P-1 to the petition. The petitioners/their predecessors-in-interest being the highest bidders purchased some of the sites on 27.02.2015. Later on vide public notice dated 11.09.2015 the site at point 'C' was also put to auction.

3. Learned counsel for the petitioners has contended that the official respondents could not have put to auction entry/exit point 'C' after the plan was in place and in terms whereof the petitioners/their predecessors-in-interest have purchased the sites.

4. Learned senior counsel appearing for respondent No. 2 had informed this Court on 06.03.2018 that a meeting is being held between the Principal Secretary, Housing and Urban Development and the Principal Secretary, Local Government, Govt. of Punjab, to resolve the dispute regarding the 2 entry/exit points mentioned as point 'B' and 'C' in the petition. Learned senior counsel has stated that the meeting was held on 16.03.2018 under the Chairmanship of Additional Chief Secretary, Housing and Urban Development, which was attended amongst others by Principal Secretary, Local Government Department, Punjab and Chief Administrator, PDA-cum-Additional Chief Administrator, PUDA, Patiala. The relevant extract of the minutes is reproduced hereunder :-

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Chief Administrator, PDA cum Additional Chief Administrator, PUDA, Patiala apprised that the passage marked as “point A” has already been sold by Municipal Council and since the EO MC, Barnala has already pointed out that passage from point C is available and not contested, therefore at least the passage at “point B” may be left for entry to the parking in addition to existing passage at “point C” in accordance with the approved layout. PUDA may not be asked to compensate for that passage as PUDA received less on site possession from PIDB when the land was transferred. Therefore, the Municipal Council may prove their ownership first.

After detailed deliberations and discussions, it was decided that as regards passage from Point C and the site including parking site there is no dispute that it belongs to PUDA. But as regards “point B” is concerned both are claiming to have rights over it, therefore, as per the directions of the Hon'ble Court without going into the merits of the case, it has been decided that the Point C shall remain passage for PUDA and PUDA shall compensate Municipal Council for “point B” @ Collector Rate or 50% of Market Rate they have been claiming, whichever is less.

Thereafter ACA, PUDA raised another issue that a secondary dump has been earmarked by Municipal Council in the parking near these passages which causes nuisance and inconvenience. EO, MC, Barnala informed that the garbage collection during the day at that point it cleared before the opening of the shops. After deliberations it was decided that it should be removed from the parking and twin dustbins may be placed at suitable points in this parking for the convenience of the Public. Meeting ended with a vote of thanks to the chair.”

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5. It is, therefore, apparent that the 2 exit points are being provided for the commercial complex, wherein the petitioners have their sites. The 3rd point has already been sold in the auction.

6. Learned counsel for the parties contend that in the minutes of the meeting, reference has been made to point 'C', which in fact, is point 'A' as per the site plan, appended to the petition as Annexure P-1.

7. We are of the considered view that as the grievance of the petitioners has been redressed to a considerable extent, no further directions are required in this petition.

8. At this juncture, learned senior counsel appearing for the petitioners contends that the petitioners may be granted liberty to approach the Real Estate Regulatory Authority (RERA) for redressal of their remaining grievances.

9. Consequently, this petition is disposed of with liberty to the petitioners to adopt the remedy available to them under the law for redressal of their subsisting grievances, if any.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

March 22, 2018
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No