

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-1117-2018

Date of Decision: 19.1.2018

Phulwinder Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Kanwar Pahul Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to transfer plot No. E-741 in his favour or to decide the representation dated 10.11.2014 (Annexure P-1) expeditiously moved by the petitioner to respondent No.3.

2. The land of respondent No.4 and his family members was acquired by respondent No.2 and 3 in the year 1975 under the New Grain Market Scheme. Respondents No.2 and 3 received earnest money from respondent No.4 and his family members to allot them plots under the Local Displaced Persons (LDP) quota. Various representations were made by respondent No.4 and his family members to respondents No.2 and 3 for the allotment of plots under the LDP quota, but to no effect. Thereafter, respondent No.4 and his family members filed a civil suit which was decreed vide judgment and decree dated 26.5.2009 and respondents No.2 and 3 were directed to allot three plots at reserve price under the quota of

plot to any other person till the allotment was made in favour of respondent No.4 and his family members. After filing of contempt petitions and execution applications, respondents No.2 and 3 allotted plot No. E-741, measuring 500 square yards in Ajnala Road Expansion Scheme, E-Block, Amritsar to respondent No.4 vide allotment letter dated 1.3.2013 who made various payments to respondents No.2 and 3. Respondent No.4 intended to transfer the plot in question in the name of the petitioner, Harpreet Singh, Jasleen Kaur and Jaspinderjit Singh and as such, respondent No.4 and the said persons executed requisite documents on 7.10.2014 and handed over all the necessary documents to respondents No.2 and 3. Even the petitioner and others also deposited the balance amount of the plot on 15.10.2014. However, respondents No.2 and 3 failed to transfer the plot in question in favour of the petitioner and others. Thereafter, the petitioner moved a representation dated 10.11.2014 (Annexure P-1) to respondent No.3 for transfer of the plot, but no response has been received till date. The petitioner and others made various complaints against respondent No.2 and 3 for transfer of the plot in question, but to no effect. However, respondents No.2 and 3 vide letter dated 27.1.2015 (Annexure P-2) asked the petitioner to withdraw all the complaints made to different departments and then they will transfer the plot in his favour. The petitioner and respondent No.4 filed a consumer complaint and the District Consumer Forum, Amritsar vide order dated 2.2.2017 allowed the said complaint. Counsel for respondents No.2 and 3 even admitted before the District Consumer Forum, Amritsar that they were ready to comply with the order dated 2.2.2017 and the District Consumer Forum, Amritsar vide order dated 14.8.2017 adjourned the case to 14.9.2017 for compliance of the order under execution.

Respondents No.2 and 3 filed an appeal against the order dated 2.2.2017 which was allowed by the State Consumer Disputes Redressal Commission, Punjab (in short “the Commission”) vide order dated 22.9.2017 on the ground of lack of pecuniary jurisdiction. The petitioner along with others filed fresh consumer complaint before the Commission. The Commission vide order dated 15.12.2017 (Annexure P-4) dismissed the complaint as withdrawn with permission to the petitioner to avail remedy before the appropriate authority/court. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 10.11.2014 (Annexure P-1) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.3 to take a decision on the representation dated 10.11.2014 (Annexure P-1), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.4 within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 19, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No