

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24881 of 2018.

Date of Decision: September 27, 2018

Leela Gupta and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Rau P.S.Girwar, Advocate, for the petitioners.

-.-

Surya Kant, J. (Oral)

The petitioners purchased SCO Site Nos.1 & 2 near Civil Station, Power House Road, Bathinda in an open auction conducted by PUDA. The allotment was made on 01.12.2015. It appears that the petitioners are paying/have paid installments on regular basis but they have not been able to construct or utilize the commercial sites for want of basic amenities or due to non-development of the area. They sought extension of stipulated period for construction and also to waive off the interest etc. But the Estate Officer has declined to entertain their request primarily on the ground that the Instructions-cum-policy decision relied upon by them is subsequent to the allotment, hence their allotment is governed by the terms and conditions settled at the time of auction.

On the other hand, learned counsel for the petitioners submits that the policy circular was issued well before the allotment on 02.09.2015, hence it is applicable in their case.

It appears that the factual issues raised by the petitioners require dispassionate and objective consideration by PUDA authorities. The

writ petition is accordingly disposed of at this stage with liberty to the petitioners to submit an appeal-cum-representation against the communication of the Estate Officer, PUDA, Bathinda, to the Chief Administrator, PUDA who in turn, is directed to consider and decide the same by way of a speaking order and after obtaining fact-finding report from the Estate Officer, PUDA, Bathinda, within a period of three months from the date of filing the appeal.

Dasti.

[SURYA KANT]
JUDGE

September 27, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No