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

228

**CWP No.27341 of 2017 (O&M)
Date of decision: March 06, 2018**

Dinesh Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

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

Present: Mr. Sachin Kaushik, Advocate for
Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
Mr. Anil Chawla, Advocate and
Mr. Saurabh Mago, Advocate for respondents No.2 & 3.

AJAY KUMAR MITTAL, J. (Oral)

Civil Misc. No.561 of 2018

Written statement on behalf of respondents No.2 & 3 filed
along with the application is taken on record, subject to all just
exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

Main case

1. This order shall dispose of two writ petitions bearing CWP
Nos.27341 and 27344 of 2017 as the issue involved therein is identical.

For brevity, the facts are being extracted from CWP No.27341 of 2017.

2. The prayer in this petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to restore the plot/shop of the petitioner which were allotted to him in an open auction in the year 2010 in New Grain Market, Jhajjar, District Jhajjar and also to restrain the respondents to charge the penal interest from him. Further prayer has also been made for setting aside the orders dated 09.02.2017, 15.03.2017, 22.06.2017, 21.08.2017 and 13.11.2017 (**Annexures P-4, P-6, P-7, P-9 & P-10**, respectively) passed by the respondents vide which the plot allotted to the petitioner was resumed, although the petitioner is ready and willing to deposit the entire cost of the shop allotted to him as per the allotment letter (Annexure P-2) along with simple interest.

3. While issuing notice of motion on December 01, 2017, the following order was passed:-

'The petitioner has challenged the order of resumption. On 02.01.2010, the petitioner was allotted the premises for a consideration of ₹28,75,000/-. The petitioner has only paid ₹7,18,750/- leaving the balance of Rs.21 lacs. As on date the minimum amount due even as per the petitioner is ₹53 lacs. The petitioner agrees and undertakes to pay an amount of ₹ 53 lacs latest by 01.01.2018.

In view thereof, notice of motion be issued for 08.01.2018.

In the meantime, the parties including the petitioner shall maintain status quo in view of the undertaking to pay ₹53 lacs by 01.01.2018. If the amount is not paid the status quo order as against the respondents shall stand vacated. The respondents are at liberty to accept the aforesaid amount without prejudice to their rights and contentions. It is made expressly clear that acceptance of the aforesaid amount will not affect any right of the respondents in any manner whatsoever. In the event of the respondents succeeding and the petition being dismissed, the respondents shall return the amount to the petitioner with interest

as may be fixed by the Court but after deducting the amount for any use and occupation of the premises in the meantime as determine by the Court.

A copy of this order be given to learned counsel for the petitioner under the signatures of the Bench Secretary of this Court.'

4. Learned Senior counsel for respondents No.2 & 3 submitted that the aforesaid order was conditional and the petitioner was required to deposit ₹ 53 lacs by 01.01.2018 as undertaken by him but no such amount has been deposited by him so far.

5. Learned counsel for the petitioner stated that the petitioner is unable to deposit the aforesaid amount and he has instructions to withdraw the present writ petition as well as the connected writ petition.

6. Dismissed as withdrawn.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

March 06, 2018
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No