

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27305-2018

Date of Decision: 25.10.2018

Surjit Singh

...Petitioner

Versus

ICICI Bank and another

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

PRESENT: Mr. Ashok Kumar Sama, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the letter dated 29.9.2018 (Annexure P-4) vide which the respondent-Bank has initiated auction proceedings of shop No.31 (measuring 4.75 marlas freehold), New Azad Grain Market, Jalalabad, District Fazilka.

2. Respondent No.1 published a public notice dated 7.9.2018 (Annexure P-1) in the newspapers 'Daily Azad Soch' and 'The Pioneer' for auction of shop No.31, New Azad Grain Market, Jalalabad. In response thereto, the petitioner submitted the application dated 28.9.2018 (Annexure P-2) along with demand draft dated 28.9.2018 (Annexure P-3) amounting to ₹ 3,18,400/-. The petitioner had given his bid of ₹ 38 lakhs in a sealed cover. On 29.9.2018, the petitioner approached respondent No.1 and enquired about the auction upon which he was informed that the said auction had been cancelled due to lack of bidders. On 11.10.2018, the

done in favour of respondent No.2 vide letter dated 29.9.2018 (Annexure P-4). Accordingly, the petitioner sent a representation dated 11.10.2018 (Annexure P-5) to respondent No.1 for cancellation of the auction and to conduct the fresh auction of the shop in question, but no response has been received till date. The petitioner also moved the representations dated 11.10.2018 (Annexures P-6 and P-7, respectively) to the Director General of Police, Vigilance Bureau, Chandigarh for taking action against the Manager and other employees of respondent No.1, but to no effect. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 11.10.2018 (Annexure P-5) to respondent No.1, 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.1 to take a decision on the representation dated 11.10.2018 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and any other interested person within a period of ten days from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 25, 2018
gbs

(AVNEESH JHINGAN)
JUDGE