

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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CWP-31047-2018

Date of decision: 07.12.2018

MOHINDER KAUR

...PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surinder Thakur, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the learned counsel for the petitioner that a restricted auction was carried out in the year 1992 and in pursuance thereto, the husband of the petitioner was allotted 2 Kanal area in Village Badowal, Tehsil Garhshankar, District Hoshiarpur. Initially the husband of the petitioner paid the instalments but thereafter, it is asserted by the respondents, that there was default on his part but the fact is that the respondents did not receive the instalments from the husband of the petitioner who was the person who was allotted the land. In the year 2007, the request of the husband of the petitioner was accepted and in pursuance thereto, he was directed to deposit an amount of ₹19,825/-, which included the principle amount as well as the interest up to date. The said amount was deposited by the husband of the petitioner on 31.05.2007 (Annexure P-6) through a challan in favour of Tehsildar (Sales) Garhshankar, District Hoshiarpur-respondent No. 4. The sale certificate has not been issued to the husband of the petitioner. The matter was ultimately referred to the District Attorney Legal (Admn.) for legal opinion who also gave an opinion in

favour of the husband of the petitioner on 10.08.2017 (Annexure P-7). Despite the said opinion, the respondents have, till date, not issued the sale certificate. The petitioner had been representing the authorities and had even requested through a latest representation dated 18.09.2018 (Annexure P-10) addressed to the Deputy Commissioner, Hoshiarpur.

Counsel for the petitioner contends that the petitioner, at this stage, would be satisfied if liberty is granted to the petitioner to file a detailed representation to the Deputy Commissioner, Hoshiarpur within a period of two weeks from today, which may be ordered to be considered and decided within some specified time.

In the light of the above statement made by the counsel for the petitioner and without commenting upon the merits of the case, the present petition is disposed of with liberty to the petitioner to file a detailed representation within a period of two weeks to the Deputy Commissioner, Hoshiarpur as well as the Sales Commissioner-cum-Sub-Divisional Magistrate, Garhshankar, District Hoshiarpur, respondents No. 2 and 3 respectively, who shall, thereafter, consider the claim of the petitioner and decide the same within a period of two months from the date of submission of the representation.

In case the claim of the petitioner is accepted, the consequential benefits be released to the petitioner within a period of one month thereafter.

December 07, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No