

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3907-2018

Date of Decision: 19.2.2018

IG International Pvt. Ltd.

....Petitioner.

Versus

Haryana State Agriculture Marketing Board, Panchkula and others

...Respondents.

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

PRESENT: Mr. Atul Aggarwal, 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 the respondents to hand over the actual complete physical possession of the plot of booth No.3 situated in India International Horticulture Market, GT Road, Ganaur, District Sonapat after providing the basic amenities and to refund the amount of interest paid by the petitioner on installments.

2. The petitioner was allotted booth No.3 in an open auction in India International Horticulture Market, GT Road, Ganaur, District Sonapat vide allotment letter dated 28.11.2014 (Annexure P-2). Since there was some variation in the terms and conditions of the allotment letter, the

No.4 for a personal interaction. Accordingly, a meeting was held between the petitioner and respondent No.4 and the shortcomings were explained to respondent No.4. The petitioner vide letter dated 2.2.2015 (Annexure P-4) penned down the amendments sought in the allotment letter. Since the actual physical possession of the booth was not handed over, the petitioner vide letter dated 12.10.2015 (Annexure P-5) asked respondent No.4 to give demarcation of the property. The Executive Engineer vide letter dated 16.12.2015 (Annexure P-6) directed the SDO to give the demarcation of the booths to the petitioner on 23.12.2015 which was done on the said date. Respondent No.4 supplied the architectural drawings (Annexure P-7) of shops and offices for the construction purpose to the petitioner who vide letter dated 12.1.2016 (Annexure P-8) objected to the same to respondent No.2. The petitioner vide letters (Annexures P-9 to P-17, respectively) requested the respondents for revised architectural drawings of shops and offices, but to no effect. Accordingly, the petitioner sent a legal notice dated 30.8.2017 vide registered receipts (Annexure P-18 Colly) to the respondents for handing over the actual physical possession of the property in question after providing basic amenities and to refund the interest amount deposited by the petitioner, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has served a legal notice dated 30.8.2017 (Annexure P-18) through registered post to the respondents, 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.2 to take a decision on the legal notice dated 30.8.2017 (Annexure P-18), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 19, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes