

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6152-2018

Date of Decision: 14.3.2018

Naresh 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. Rajnish Gupta, 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 mandamus directing respondents No.2 and 3 to refund the amount of the petitioner qua shop/plot No.35 purchased in an open auction at New Grain Market, Barwala, District Panchkula along with interest.

2. The respondents had carved out New Grain Market, Barwala, District Panchkula and vide advertisement invited the applications for the allotment of shops. In response thereto, the petitioner submitted an application dated 27.6.2008 and participated in the open auction for purchasing a shop in New Grain Market, Barwala by giving a bid. Being successful in the auction, the petitioner was allotted shop/plot No.35 for a total price of ₹ 24,70,000/- and the petitioner deposited 25% of the price of the plot vide receipt dated 27.6.2008 (Annexure P-1). After according approval by respondent No.2 vide letter dated 22.8.2008, the petitioner was issued allotment letter dated 18.10.2008 (Annexure P-2). Thereafter, the

possession was not offered to the petitioner and even the schedule of installments had started from 1.5.2009 and had ended on 1.11.2011. Since, there were no basic amenities and the land was looking to be a barren land, the petitioner moved a representation dated 9.7.2010 (Annexure P-3) to respondent No.3 for refund of the amount qua plot No.35, but to no effect. Thereafter, the petitioner moved another representation dated 28.9.2017 (Annexure P-4) to respondent No.2 in this regard, 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 sent the representations dated 9.7.2010 and 28.9.2017 (Annexures P-3 and P-4, respectively) to respondents No.3 and 2, 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 representations dated 9.7.2010 and 28.9.2017 (Annexures P-3 and P-4), 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**

**March 14, 2018**  
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**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**