

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

CWP-9989-2018

Date of Decision: 24.4.2018

Shri Jaswant Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

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

**PRESENT:** Mr. Manoj Pundir, Advocate for  
Mr. Ashok Kumar Arora, Advocate for the petitioners.

**AJAY KUMAR MITTAL, J.**

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to handover qualitative physical possession of plots purchased by them with all basic amenities like water supply, electric connections, sewerage, storm water, roads and parks as mentioned in the brochure/application form, Annexure P-1.

2. Respondent No.3 made an advertisement inviting the applications for the allotment of 389 residential plots at Guru Ram Das Urban Estate, Ajnala Road, Amritsar. As per the brochure/application form, Annexure P-1, the last date of the applications was 31.12.2015 and the reserve price was fixed @ ₹ 21,530/- per square meter/ ₹ 18,000/- per square yard. In response thereto, the petitioners applied for the plots. The draw of lots was held on 9.3.2016 and the petitioners were allotted letters of

intent as is clear from the document, Annexure P-2. After issuance of the letters of intent, the petitioners paid 15% of the price of the plot within 30 days from the issuance of letter of intent. Accordingly, they were issued the allotment letters, Annexure P-3 Colly. As per the terms of the allotment letter, the possession of the plots was to be given after the expiry of 90 days from the issuance of the allotment letters. However, the respondents had failed to hand over the qualitative physical possession of the plots in question to the petitioners. As per the photographs (Annexure P-4), the debris of old demolished structures was lying on the spot and the trees were also standing on the place of construction and even the demarcation of the plots had not been given to the petitioners. Accordingly, the petitioners moved a representation dated 8.2.2018 (Annexure P-5) to respondents No.2 and 3 for waiving of interest on the due installments of payment of plots and for recovery of interest on 25% of the payment made by the petitioners from the date of payment till the handing over qualitative physical possession of the plot, but no response has been received till date. Vide e-tender notice dated 15.3.2018 (Annexure P-6), the respondents had invited tenders for the development of Guru Ram Dass Urban Estate, Amritsar. Reliance has been placed upon the order dated 28.2.2006 (Annexure P-7) passed by the Supreme Court. Hence, the present writ petition.

3. Learned counsel for the petitioners prayed that liberty be granted to the petitioners to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to petitioners No.1 to 3 and petitioner No.4 to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before respondent No.2. It is directed that in the event of a representation being filed by the petitioners within a period of one month from the date of receipt of the certified copy of the order, the same shall be decided by respondent No.2 or any person duly authorized by respondent No.2, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of the representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**April 24, 2018**  
gbs

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**