

COCN No. 434 of 2018 (O&M)
DECIDED ON: SEPTEMBER 16, 2019

RAJ KUMAR

.....PETITIONER

VERSUS

KARAN AVTAR SINGH AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Manik Makkar, Advocate for
Mr. Mohit Sadana, Advocate
for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

Mr. Aman Sharma, Advocate
for respondents No.3 and 4.

AVNEESH JHINGAN, J (ORAL)

The present petition has been filed pleading wilful disobedience of the order dated 30.10.2017 passed in CWP No. 24578 of 2017.

“ The petition is, therefore, disposed of by directing the respondents to take a decision on the petitioner's representations including the one dated 06.09.2017 (Annexure P-8) and inform the petitioner about the same in writing by 15.12.2017. The respondents shall also state, as to what relief would be given to the petitioner, in the event it being found that the petitioner is allottee of the plot, but the respondents are not able to hand over possession thereof to him for any reason.”

Pursuant to the notice of motion, replies filed. Alongwith reply of respondent No.4 order dated 08.10.2018 has been annexed whereby, the petitioner was asked to deposit a sum mentioned in the order with office to complete the formalities so that the possession can be handed over.

Learned counsel for respondent No.4 submits that in spite of sending communication, petitioner is neither coming forward to deposit the amount nor is completing the formalities to take the possession.

In view of the fact that the directions of this Court were to decide the representation and to hand over the possession of the plot and only in case where the respondents were not able to hand over the possession then an alternative relief was to be sought.

The grievance raised in the writ petition was that in spite of allotment of the plot vide letter dated 02.04.2012 and after having been paid three installments, possession of the plot was not handed over to the petitioner. The apprehension of the petitioner was that the allotted plot would be encroached.

Considering the fact that possession of plot has been offered to the petitioner but he is not coming forward to take possession by completing the formalities, no case is made out for contempt.

Learned counsel for the petitioner submits that no cause of action survives for pursuing the present petition but seeks liberty to make payment of the balance amount and to complete all the formalities for taking over the possession. He also seeks liberty to avail remedy in accordance with law in case still any grievance survives.

Disposed of as infructuous with liberty as prayed for.

Rule issued against the respondents stand discharged.

In view of the fact that the main petition has been disposed of, all the civil misc. applications have been rendered infructuous and are disposed of as such.

SEPTEMBER 16, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No