

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-320-2020

Date of Decision: 9.1.2020

Sinder Paul Garg and another

...Petitioners

Versus

Government of Punjab and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MR. JUSTICE KARAMJIT SINGH.**

PRESENT: Mr. Pradeep Sharma, Advocate for the petitioners.

RAJAN GUPTA, J. (Oral)

Petitioners have sought a writ in the nature of certiorari for quashing the impugned order, Annexure P-4, passed by respondent No.2, directing them to hand over possession of the shop in question.

It appears that the petitioners were allotted shop in Nehru Shopping Complex, Amritsar in open auction on 11.3.2006. As per their stand, they deposited ₹ 2,00,000/- in cash and ₹ 1,39,750/- by demand draft as 25% of the bid amount. As they failed to pay rest of the amount, vide order dated 16.11.2018 (Annexure P-2), they were informed that the amount paid by them stood forfeited.

It has been contended before the court that the petitioners preferred an appeal against the said order. However, no decision has been taken thereon. In the meanwhile, instant order has been passed asking the petitioners to hand over the possession. According to them, this action is

vitiated.

On a query being put to learned counsel about the provision under which the appeal has been filed, no clear answer is forthcoming. There is nothing to show that any appeal under the Punjab Improvement Trust Act, 1922 is maintainable before the Principal Secretary, Local Bodies, Government of Punjab.

In view of same, this court finds no substance in the plea of the petitioners that the impugned order could not have been passed during the pendency of the appeal. Petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 9, 2020
gbs

(KARAMJIT SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No