

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

135

CWP-416-2020

Date of Decision: 9.1.2020

Sinder Paul Garg

...Petitioner

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 petitioner.

RAJAN GUPTA, J. (Oral)

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

It appears that the petitioner was allotted shop in Nehru Shopping Complex, Amritsar in open auction on 11.3.2006. As per his stand, he deposited ₹ 2,00,000/- in cash and ₹ 5,13,850/- by demand draft as 25% of the bid amount. As the petitioner failed to pay rest of the amount, vide order dated 19.11.2018 (Annexure P-2), he was informed that the amount paid by him stood forfeited.

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