

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

105

CWP-5466-2020 (O&M)

Date of Decision:- 02.03.2020

Manish Kumar

....Petitioner

vs.

Union of India and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jagdish Manchanda, Advocate,
for the applicant-petitioner.

Mr. Ankur Sharma, Advocate,
for respondent No.1.

Mr. Ashish Kapoor, Advocate,
for respondents No.2 to 4.

Sudhir Mittal, J. (Oral)

CM-3719-CWP-2020

This application has been filed for placing on record Annexure P-9/T (colly) and for exemption from filing certified copy thereof.

The application is allowed. Exemption sought is granted and Annexure P-9/T (colly) is taken on record today itself.

At oral request, main case is taken up on board today itself.

CWP-5466-2020

The petitioner is aggrieved because a letter dated 20.02.2020 has been issued by respondent No.2 rejecting his application for award of RO dealership. The reasons mentioned therein are:

“Appendix III-A not submitted from all Co-owners.

APPENDIX III-B IS OF LATER DATE THAN DATE OF APPLICATION.”

2. Learned counsel for the petitioner has placed on record a true translation of jamabandi for the year 2016-17 wherein the land offered for the RO dealership has been mentioned. The names of the co-sharers have also been given. Accordingly, his submission is that the ground that appendix III-A did not contain the signatures of all the co-owners is factually incorrect. It is further submitted, on the basis of letter dated 16.01.2019, that appendix III-B was submitted on 15.04.2019 as required by the said letter and thus, the second ground of rejection is also not sustainable.

3. Learned counsel for respondent No.2, however, submits that vide letter dated 16.1.2019, the petitioner was informed that in case he is successful in the draw of lots, he would be required to submit documents as prescribed in the Brochure dated 24.11.2018. The applicant has applied in 'Group-2' and applicants for the said group must possess a firm offer for land either through purchase or long term lease of a period of minimum 19 years, 11 months as on the date of the application. Accordingly, even if the first ground is erroneous, the second ground is established as appendix III-B is dated 15.4.2019.

4. There is no denial of the fact that appendix III-B is dated 15.4.2019. The Brochure dated 24.11.2018 requires that offer of land as well as documents in support thereof must be as on date of application. Merely because a communication dated 15.1.2019 was sent to the petitioner informing him that requisite documents be submitted within three months of

the date of intimation, would not entitle him to submit documents of a later date. Three months period is prescribed only for submission of documents but the date of the documents has to be in accordance with the term of the Brochure.

5. So far as the ground of non-submission of NOCs from all co-sharers is concerned, no opinion is being expressed thereupon as according to the jamabandi, there are a large number of co-sharers in the offered land and to determine whether all of them have submitted the NOC or not would involve an exercise of going through the entire jamabandi as well as all the NOCs. This exercise is not being undertaken in view of the fact that the second ground i.e. date of appendix III-B being later than the date of the application has been established. A single ground is sufficient to reject the candidature of an applicant.

6. Thus, there is no merit in the writ petition and the same is accordingly dismissed.

March 02, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No