

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15114 of 2019 (O&M)
Date of Decision: January 21, 2020

Karam Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pardeep Kumar, Advocate
for the petitioners

Sudhir Mittal, J. (Oral)

CM No. 809-CWP of 2020

This is an application for placing on record statement of account reflecting the payments made by the petitioners as Annexure P-11.

Application is allowed subject to all just exceptions and Annexure P-11 is taken on record.

CWP No. 15114 of 2019

The petitioners pray for quashing of order dated 02.08.2018 (Annexure P-9) whereby their request for transfer of the auctioned property has been rejected.

An auction notice was issued in August 1998 for auction of certain Government land on free hold basis. The auction took place on 20.08.1998 and the petitioners gave the highest bid in respect of land measuring 2.75 acres. Twenty five percent of the bid money was deposited within time and the balance was to be paid in four equal annual installments.

The petitioners failed to make the payment in accordance with the payment schedule. In the year 2012, a writ petition viz. CWP No. 21984 of 2012 was filed seeking directions to the respondents to transfer ownership of the land purchased by them in auction. The said writ petition was disposed of vide order dated 20.03.2017 with a direction to the respondents therein to decide their representation by passing a speaking order. The said representation has been rejected vide the impugned order.

Learned counsel for the petitioner submits that the petitioner have paid a sum of Rs. 5,99,700/- upto 14.11.2000 and approximately Rs. 7 lacs thereafter starting from 09.04.2003 till 05.05.2010. The petitioners are willing to pay the remaining amount as well alongwith interest and penalty and, therefore, directions may be issued to the respondents to execute the sale deed in their favour.

The argument is meaningless. As per the conditions of the auction the petitioners were required to make full payment alongwith interest latest by 20.08.2002. Admittedly, even as on date the complete payment has not been made. Being the highest bidder does not clothe the petitioners with an indefeasible right to get a sale deed executed in their favour. Auction is governed by the terms and conditions thereof and the petitioners having failed to comply therewith can not seek any direction from the writ Court being a Court of equity.

There is no merit in the writ petition and the same is dismissed.

January 21, 2020

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No