

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

Date of decision: 07.01.2020

1) CWP-21486-2017 (O & M)

Sharik Ahuja Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

2) CWP-28549-2017 (O & M)

Shakuntla Rani and Anr. Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

3) CWP-29093-2017 (O & M)

Devki Rani Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

4) CWP-29096-2017 (O & M)

Gourav Kumar and Anr. Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

5) CWP-29120-2017 (O & M)

Shubham Goyal and Anr. Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

6) CWP-29389-2017 (O & M)

Ishwar Singh and Anr. Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

CWP-21486-2017 (O & M) and other connected cases

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7) CWP-29621-2017 (O & M)

Sanjeev Kumar

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

8) CWP-29624-2017 (O & M)

Karambir and Ors.

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

9) CWP-29656-2017 (O & M)

Rajesh Kumar and Anr.

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

10) CWP-10664-2019 (O & M)

Baz Singh and Anr.

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

11) CWP-23772-2017(O & M)

Anoop Kumar

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

12) CWP-25365-2017 (O & M)

Jiwan Lal and Anr.

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

13) CWP-25774-2017 (O & M)

Bhupender Singh and Ors.

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

CWP-21486-2017 (O & M) and other connected cases

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14) CWP-25770-2017 (O & M)

Sushil Kumar Goyal

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

15) CWP-28002-2017 (O & M)

Mehanga Singh and Ors.

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

16) CWP-25364-2017 (O & M)

M/s Maa Bhagwati Foods

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

17) CWP-26818-2017 (O & M)

Manjinder Singh and Anr.

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

18) CWP-26860-2017 (O & M)

Gaurav Jain

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

19) CWP-29770-2017 (O & M)

Jagmender Singh

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

20) CWP-29784-2017 (O & M)

Vijay Singh

.... Petitioner(s)

V/s

State of Haryana and ors.

...Respondent(s)

CWP-21486-2017 (O & M) and other connected cases ::4::

21) CWP-4190-2018 (O & M)

Jagmender Singh Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

22) CWP-9585-2019 (O & M)

Richh Pal Singh Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

23) CWP-10703-2019 (O & M)

Netar Pal Petitioner(s)

V/s

State of Haryana and ors. ...Respondent(s)

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

Present: Mr. Rajnish K. Gupta, Advocate,
Mr. Arun Bansal, Advocate, for the petitioners.

Mr. Ankur Mittal, Addl.A.G., Haryana with
Mr. Pradeep Prakash Chahar, DAG, Haryana.

Mr. Sandeep Moudgil, Advocate, for respondents No.2 and 3-
HSAMB.

Mr. Nikunj Dhawan, Advocate,
for Mr. Harsh Aggarwal, Advocate, for respondent No.4 (in
CWP-21486).

Mr. Abhay Gupta, Advocate, for Mr. Amar Vivek, Advocate, for
respondents No.2 and 3 (in CWP Nos.29770, 29784 of 2017
and 4190 of 2018).

RAJAN GUPTA, J. (Oral)

This order shall dispose of a bunch of twenty three writ
petitions. For brevity, facts have been taken from this case i.e. CWP-21486-

and 28.01.2016, Annexures P-17 and P-19 respectively whereby the amount deposited by the petitioner at the time of auction of plot has been ordered to be refunded after deducting 10% of total sale price and appeal against the said order has been dismissed.

Stand of the petitioners is that they were not aware of the order passed in CWP-2432-2014 titled as 'Satpal and another versus State of Haryana and others' wherein plots/booths were to be allotted on preferential/concessional basis. It was, thus, directed that claim of the petitioners would be decided prior to confirmation of the auction in case of other allottees. In view of order dated February 10, 2014, passed in Satpal Singh's case (supra), the auction could not have been confirmed in favour of auction purchasers. Consequently, allotment letters could not have been issued.

In view of the above, it was directed that the allotment letters issued in favour of successful bidders including the bidders of plots sold pursuant to open auction held on February 11, 2014 would remain suspended subject to final adjudication of the claims of the auction purchasers. As per them, Rule 5A of Haryana State Agricultural Marketing Board (Sale of Immovable) Rules, 2000 could not have been invoked by the respondents in view of peculiar circumstances of the case.

It appears that pursuant to directions given by this court in separate writ petitions, the respondents were directed to consider the entire issue and pass speaking orders. Orders passed in the instant writ petitions have been perused. Same have been passed by various authorities.

issues raised by the petitioners have not been dealt with therein. Besides, it appears that at the time of decision of CWP-23864-2015, Principal Secretary to Government of Haryana had examined the matter and State took a stand before this court accordingly. In view of same, Mr. Ankur Mittal, learned State counsel submits that all the above matters can be reconsidered by the Financial Commissioner-cum-Principal Secretary, Department of Agriculture, Haryana and fresh order shall be passed by him within three months from today after considering the issues raised hereinabove as well as the orders passed in CWP-23864-2015.

In view of the statement made by learned State counsel, the abovesaid writ petitions are hereby disposed of. It is made clear that orders passed by the various authorities earlier, shall not stand in the way of the Financial Commissioner-cum-Principal Secretary while passing fresh orders.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

January 07, 2020
sukhpreet

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No