

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19557 of 2020 (O&M)

Date of Decision: 18.11.2020

M/S. KHUBI RAM DWARKA DASS THROUGH ITS PROPRIETOR

..... Petitioner

V/s.

STATE OF HARYANA & OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEROGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Munish Kumar Garg, Advocate for the petitioner.

Ms. Shubhra Singh, Addl.AG, Haryana.

Augustine Geroge Masih, J. (Oral)

Petitioner has approached this Court praying for issuance of a writ of *certiorari* for quashing of letter of intent dated 03.06.2016 (Annexure P-5) issued by the Secretary-cum-Executive Officer, Market Committee, Ambala Cantt., Ambala-respondent No.4. It is asserted that because of the non allotment of the plot and the possession being not delivered to the petitioner, the very purpose for which the plot was being sought for by the petitioner and letter of intent was issued to him on 03.06.2016 (Annexure P-5), the amount which has been deposited, has been rendered of no use. It is asserted that the petitioner had been approaching the respondent for the refund of the said amount which has been deposited by the petitioner by cancelling the letter of intent issued to the petitioner on 03.06.2016 (Annexure P5). One of the legal notices is appended as Annexure P7 dated 18.03.2020 which is addressed to Secretary-cum-Executive Officer, Market Committee, Ambala Cantt..

Counsel for the petitioner states that the competent authority to take a

decision on this issue would be the Chief Administrator, Haryana State Agriculture

Marketing Board-respondent No.2 which has already seized of the matter as the same stands referred to the said authority by the Market Committee, Ambala. Counsel contends that the petitioner would make a representation to the Chief Administrator, Haryana State Agriculture Marketing Board-respondent No.2 within a period of one week highlighting the difficulties and the reasons why the petitioner is making such a prayer, as has been made in the present writ petition for refund of the amount. He further states that the said representation may be considered and decided by the respondent No.2 within some specified time.

In the light of the submissions made by the counsel for the petitioner, the present writ petition is disposed of with liberty to the petitioner to file a detailed representation or submit a copy of this writ petition which may be treated as a representation, to the Chief Administrator, Haryana State Agriculture Marketing Board-respondent No.2 within a period of one week. In case such a representation is filed or copy of writ petition supplied, the same shall be considered and a decision be taken thereon within a further period of four weeks. It is made clear that in case the claim of the petitioner is accepted, the refund, if any, be made to the petitioner within a further period of two weeks and in case the claim is not accepted, a well reasoned and speaking order be passed and conveyed to the petitioner.

The writ petition stands disposed of, accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

18th NOVEMBER, 2020

Sonia Puri

SONIA PURI
2020.11.19
I attest to the accuracy and
integrity of this document.
Chandigarh

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No