

**221/2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 27.02.2020

**(i) CM No.706-LPA-2020 in/and
LPA No.244 of 2018 (O&M)**

Municipal Corporation, Hisar and others ...Appellants

Versus

Hisar City Shopkeeper Welfare Society ...Respondents

(ii) LPA No.793 of 2018 (O&M)

Municipal Corporation, Faridabad ...Appellant

Versus

Pushpa Devi and others ...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Ashok Kumar Verma**

Present: Mr. Manohar Lall, Advocate
for the applicant-respondents (in LPA No.244 of 2018)

Mr. Abhay Gupta, Advocate
for the non-applicant/appellants (In LPA No.244 of 2018)

Mr. Amar Vivek, Advocate
for the appellants (in LPA No.793 of 2018)

Mr. Arun Beniwal, DAG, Haryana

Mr. Sushil Jain, Advocate
for respondents No.1 to 5 (In LPA No.793 of 2018)

Rakesh Kumar Jain, J. (Oral)

This order shall dispose of two appeals bearing LPA No.244 of 2018 and LPA No.793 of 2018. However, for the sake of convenience, the facts are being extracted from LPA No.244 of 2018.

This appeal is directed against the impugned order dated

20.04.2017 passed by the learned Single Judge.

During the course of hearing, the applicant/respondent has filed CM No.706 of LPA of 2020 for seeking disposal of the present appeal on the pretext that the members of the respondent-Society are ready to purchase the shops in question at the present Collector rate.

Counsel for the appellants (Municipal Corporation) has submitted that the respondent is now relying upon an amendment brought in Section 164 of the Haryana Municipal Corporation Act, 1994, which reads as under:-

“7. For existing clause (C) of the Section 164 of the principal Act, the following clause shall be substituted, namely:-

(c) the consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair compensation.

Provided that in case of transfer of immovable property to Government Department by way of sale or lease or otherwise, the property may be transferred at collector rate, subject to prior approval from the Government.

Provided further that in case of transfer of shop and house to individual, who is in possession of such property for the last twenty years, by way of rent or lease or otherwise, the property may be transferred at collector rate by way of sale, subject to prior approval of such authority, as may be prescribed.”

He has further submitted that this appeal may be disposed of with a direction to the Competent authority to consider the request of the respondent for purchasing the shops in question at the collector rate prevailing as of now.

Counsel for the applicant/respondent has not raised any objection in this regard and therefore, the prayer made in the application is hereby allowed and the appeals are disposed of with a direction to the Competent Authority to consider the case of the respondent herein for the purchase of shops in question at the collector rate prevailing as of now but within the time prescribed by the learned Single Judge.

[RAKESH KUMAR JAIN]
JUDGE

[ASHOK KUMAR VERMA]
JUDGE

27.02.2020

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