

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

Sr. No.201

CWP-3138-2018 (O&M)

Date of decision : 27.09.2021

Asha Rani

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Aalok Jagga, Advocate, for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab
for respondents No.1 to 4.

Mr. S.S. Bedi, Advocate, for respondent No.5.

SUDHIR MITTAL, J. (Oral)

The petitioner's husband and two sons are partners in a rice sheller which was allotted paddy during the milling season 2016-17. There was a short-fall of 6449.45 quintals, on account of which, the rice sheller was saddled with a liability. To get over the same, the petitioner voluntarily offered to get 03 acres of land owned by her, attached. Vide order dated 13.07.2017, the said 03 acres were attached, however, by a subsequent order of even date land measuring 55 kanals owned by the petitioner was ordered to be attached. This area of 55 kanals includes the area of 03 acres offered by the petitioner. Post-attachment notice dated 26.07.2017 was issued to the petitioner for sale of the attached property. This is the notice under challenge apart from orders of attachment.

Learned counsel for the petitioner submits that meanwhile, a one-time settlement scheme was floated by respondent No.1 and the petitioner applied vide application dated 07.09.2017. The application was rejected vide order dated 14.03.2018, but the said order was set aside vide

RAMANDEEP SINGH
201.09.2021
I attest to the accuracy and
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judgment/order dated 28.01.2021 passed in CWP-8425-2018. Although, order of rejection was set aside, the petitioner was directed to pay interest for the period that the writ petition remained pending. This order is under challenge in LPA-584-2021, in which, notice of motion has been issued and the matter is pending for 26.10.2021. In the interregnum, the partners of the rice sheller have deposited Rs.1,20,10,000/- i.e. principal component.

The factum of deposit is admitted by the respondents.

In view of above, it is submitted that the area of 03 acres offered by the petitioner in the first instance, is sufficient to cover the debt. Interest component is about Rs.45 lacs, whereas, the rate of land in the concerned area is about Rs.30 lacs per acre. Thus, order by which 55 kanals owned by the petitioner has been attached deserves to be set aside. This argument is without prejudice to the main argument that land owned by the petitioner could not have been attached beyond what was voluntarily offered by her as she is not a partner in the rice sheller business.

Learned counsel for the respondents have no answer.

Thus, the writ petition is allowed. Order dated 13.07.2017 (Annexure P-6) is quashed so far as it pertains to land beyond 03 acres offered by the petitioner. In effect, 31 kanals of land which were not offered by the petitioner shall stand released from attachment.

(SUDHIR MITTAL)
JUDGE

27.09.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No