

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(113)

CWP-4256-2023

Date of decision: - 02.03.2023

Bharat Bhawan Trust, Bhiwani

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amit Jhanji, Senior Advocate
with Mr. Durgesh Aggarwal, Advocate
and Ms. Zaheen Kaur, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondents No.1 to 3.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of appropriate order or directions especially writ in the nature of certiorari quashing auction notice dated 23.02.2023 (Annexure P-14) published by Dainik Jagran, Newspaper issued by respondent No.5. The challenge is also to the order dated 13.05.2022 (Annexure P-13) passed by respondent No.2, vide which the petitioner has been evicted under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972.

Learned Senior counsel for the petitioner has submitted that although, the appeal filed by the petitioner has been dismissed vide order

dated 07.02.2023, but inspite of the said fact that the petitioner had made an application for getting a copy of the said order, the same has not been supplied, whereas, the authorities have issued an auction notice dated 23.02.2023 (P-14) for auctioning the premises and the said auction is stated to be held on 03.03.2023.

Learned Senior counsel appearing for the petitioner has fairly submitted that the said auction has now been withdrawn and regarding the same, a correspondence issued by the Chief Executive Officer, Zila Parishad, Bhiwani has been referred to. It is also submitted that if auction is conducted without supplying the copy of the order dated 07.02.2023 to the petitioner, then, the same would prejudice the rights of the petitioner to challenge the said order as well as the order dated 13.05.2022 and would also lead to multiplicity of litigation, inasmuch as, third party rights would also be created in favour of the auction purchasers.

Learned State counsel appearing on behalf of respondents No.1 to 3 has stated that the copy of order dated 07.02.2023 would be supplied to the petitioner within a period of one week from today. It is further submitted that it is the case of the petitioner's themselves that they are not in possession.

Learned Senior counsel for the petitioner has made a limited prayer that after the supply of the copy of the order dated 07.02.2023, the respondents be directed not to get the auction conducted for a period of 15 days thereafter, so as to enable the petitioner to seek remedy in accordance with law.

Keeping in view the above-said facts and circumstances, the

present writ petition is disposed of with a direction to respondent No.3 to supply copy of the order dated 07.02.2023 to the petitioner within a period one week from today.

The respondent authorities are directed not to auction the property in question for a period of 15 days after the supply of the copy of the said order to the petitioner, so as to enable the petitioner to challenge the orders dated 07.02.2023 and dated 13.05.2022 in appropriate proceeding.

It is made clear that this Court has not considered the merits of the case and the direction to the respondent authorities not to auction the property in question for a period of 15 days would not be construed as an expression of opinion on the merits of the case in favour of the petitioner and it is being ordered only to grant time to the petitioner to avail its legal remedy in accordance with law and also to avoid multiplicity of litigation.

Present writ petition stands disposed of in the above terms.

March 02, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No