

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

101

**2023:PHHC:154769
CWP No.10499 of 2023
Date of Decision:05.12.2023**

Chhavi Gupta

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. S.S.Dinarpur , Advocate and
Mr. Rohit Singh, Advocate
for the petitioner

Mr. Ashish Kapoor, Advocate
for respondents No. 2 and 3

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of communication dated 30.01.2021 (Annexure P-11) whereby petitioner has been declared ineligible for the allotment of retail outlet/dealership.

2. The petitioner pursuant to advertisement dated 24/25.11.2018 (Annexure P-1) applied for the allotment of retail outlet/dealership. The respondents conducted draw of lots and petitioner was selected. The petitioner offered leased land. The respondents have rejected candidature of the petitioner on the ground that land offered is owned by more than one person and there is no consent of the co-owners. The respondent has further observed that land is not free from encumbrances.

3. Learned counsel for the petitioner submits that land offered by petitioner is free from encumbrances. The petitioner has entered into lease deed with the owners of the land. By decree dated 10.08.1992 passed by Sub Judge First Class, Jagadhari, the land has been duly partitioned. The owners of the partitioned land have executed lease deed with the petitioner.

4. Per contra, learned counsel for the respondents submits that as per his information and available record, the land offered by petitioner stands attached, thus, land offered by petitioner cannot be accepted. There are co-owners of the offered land, however, there is no consent of co-owners.

5. I have learned counsel for the parties and perused the record with their able assistance.

6. Without commenting upon merits of the case, the petition is disposed of with a direction to petitioner to furnish an affidavit with the respondents to the effect that land offered by petitioner is free from all sort of encumbrances and lease deed stands executed by all the owners. The respondents would be at liberty to verify factum of encumbrances as well as ownership of the land. The respondents shall complete formalities within three months from the date of filing affidavit by petitioner.

(JAGMOHAN BANSAL)
JUDGE

05.12.2023
paramjit

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