

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

(116)

CWP-12772-2023

Decided on : 05.07.2023

Amrik Singh

.....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Ranjan Lakhanpal, Advocate for the petitioner (s).

Mr. V.G. Jauhar, Addl. AG, Punjab
for respondent No.1 and respondent No.2-GMADA.

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Article 226 of the Constitution of India seeks direction for allotting of plot measuring 100 square yards under the IT City Scheme 753/2018.

2. The petitioner's case is based on the fact that he was at Sr. No.1 in the wait list and the other persons below him were given plots in the wait list, but the petitioner was not. Vide impugned order dated 08.09.2022 (Annexure P-6) the reasoning given is that the petitioner in his application itself had mentioned that his application and the earnest money be not retained for 12 months after the draw, in case his name figures in the wait list. It has also been mentioned that the earnest money was refunded to the Branch Manager, State Bank of India, Phase-7, Mohali from where the petitioner had got financed the same. The factum of finance is also clear from Annexure P-1, which is the receipt of the application.

3. Mr. Jauhar has supplied photocopy of the application form wherein this fact is categorically mentioned and the petitioner has written ‘NO’ against the Column of retaining of the earnest money, so that his name could not be processed if he was in the wait list.
4. A perusal of the said application form even on top would go on to show that the earnest money was financed by the State Bank of India. It is, thus, apparent from the record that the petitioner had applied for plot on the basis of the finance and categorically had not opted for retaining of the earnest money as he would have to pay the interest element. It is, thus, clear that he was never considered in the wait list, though the persons below him who would have deposited the earnest money from their savings and were in no hurry, were given the benefit.
5. In such circumstances, we are of the considered opinion that the order under challenge rejecting his claim does not suffer from any infirmity. It is a classic case where the petitioner seems to be trading in plots which are allotted by way of draw through bank finance and now wants to get benefit in the wait list. Therefore, also we do not feel that it is a fit case for exercising the extra-ordinary writ jurisdiction.
6. Resultantly, the present petition is dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

05.07.2023
Naveen

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No