

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

CWP-16719-2023

DATE OF DECISION: 03.08.2023

KAMLA DEVI

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

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

Present: Mr. Rajesh Bansal, Advocate,
for the petitioner.

Mr. Deepak Sabherwal, Advocate,
for the respondent-HSVP.

G.S.SANDHAWALIA, J. (ORAL)

1. This petition has been filed under Article 226 of the Constitution of India for issuing a writ in the nature of '*mandamus*' directing the respondents to confirm the auction of plot No. 821 measuring 6 '*marlas*', in Sector 37-C, Gurugram-I, in favour of the petitioner.

2. The case of the petitioner is that in pursuance of the e-auction condition, on 21.12.2022 bidding had been done for the said plot. Reserved price of which was fixed at ₹1,28,99,700/-. The petitioner had bid at ₹1,64,69,700/- and accordingly, deposited the 10% of the highest amount, i.e. ₹10,01,970/-. However, the amount has been refunded to the petitioner on 05.06.2023 and therefore, apprehending the re-auction and claiming to have vested right, the present writ petition has been filed.

3. The issue of having any vested right only on account of being

the highest bidder has been decided in favour of the respondents in **Haryana Urban Development Authority & others Vs. Orchid Infrastructure Developers P.Ltd., 2017 AIR (SC) 882**, wherein the Apex Court held that if the bid is not confirmed and the letter of allotment has not been issued in favour of the allottee, he has no such vested right. The law is also settled to this extent. In the said judgment, the Apex Court has also held that if there are valid reasons, the authorities would be well within their right not to confirm the bid.

4. Mr. Sabherwal having advance notice informed us that the plots which were auctioned in Sector 37-C, Gurugram have been cancelled on account of the pending litigation before this Court in CWP Nos.4114, 4754 of 2021 and CWP No.4478 of 2022, wherein there was a dispute regarding the allotment of the plots under the land pooling scheme. Once there is a valid reason for the authorities to cancel the bid, we are of the considered opinion that in the absence of any *mala fide* and the plot not being put to re-auction, the decision cannot be said to be bad in any manner. Keeping in view the fact that the amount has already been returned to the petitioner, we do not see any reason to exercise our extraordinary writ jurisdiction under Article 226/227 of the Constitution of India. The petitioner shall always have a right to participate in the bid, as and when the property is put to auction.

5. In such circumstances, for the reasons given in the said order, we do not think that it is a fit case to call upon the respondents to file reply. The amount has already been returned to the petitioner and the issue of law is already decided against the petitioner.

6. Consequently, finding no merit in the present writ petition.

The same is accordingly, dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

August 03, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No