

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(253)

CWP-22999-2021
Decided on : 10.04.2023

Raj Singla

.....Petitioner(s)

Versus

Canara Bank, SARM Ludhiana Branch through its Authorised Officer

.....Respondent(s)

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

Present: Mr. D.S. Sain, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioner (s).

Mr. Rakesh Gupta, Advocate for the respondent-Bank.

G.S. Sandhawalia, J.

Prayer in the present writ petition filed under Articles 226/227 of the Constitution of India is to provide the petitioner an opportunity to buy the property which was subject matter of auction which was cancelled and for which he had deposited the earnest money.

2. A perusal of the paper-book would go on to show that the e-auction fixed by the respondent-Bank of the property of the loanees in question who had mortgaged the immovable property. The same was slated for 30.09.2021 and the reserve price was fixed @ `115.1 lakhs. The earnest money was fixed @ `11.52 lakhs for the property which measured 105.50 square yards situated in Ludhiana.

3. It is the case of the petitioner that he had participated in the bid process and submitted the demand draft dated 27.09.2021 of `11,55,000/- (Annexure P-3). The respondent-Bank, however, apparently did not accept the

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bid as the sale was cancelled by the competent authority and resultantly they requested the petitioner to take his demand draft from the branch. In such circumstances, the petitioner approached this Court.

4. We are of the considered opinion that apart from the bid amount the petitioner had not been asked to deposit the balance and rather his earnest money was also refunded. Thus, he has no vested right as such since his amount was just also little above the reserve price. Accordingly, in the absence of any vested right no mandamus can be issued as prayed for, as per settled principles and there has to be a legal right or a statutory duty which can be enforced by this Court.

5. Resultantly, we are of the considered opinion that no case is made out for issuing directions to the respondent-Bank as claimed for. The writ petition stands dismissed, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

10.04.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No