

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

CWP-20951-2023

Date of decision: 07.11.2023

M/s SBD Trading Company & others

....Petitioners

Versus

Punjab Mandi Board and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present: Mr. R.S. Randhawa, Advocate,
for the petitioners.**

ARUN PALLI, J. (Oral)

The petitioners herein have prayed for the following
substantive relief:

*“Civil Writ Petition under Article 226/227 of the
Constitution of India, praying for issuance of a writ in
the nature of CERTIORARI, for setting aside the
impugned Notices/Letters (Annexure P-4 to P-26) dated
22.06.2017, 03.07.2017, 07.07.2017, 11.07.2017,
18.07.2017 issued by Respondent No.3 to the petitioners
with respect to the demand of enhanced amount of the
land allotted to the allottees which are totally illegal,
arbitrary and against the principles of natural justice*

AND

*Issuance of a writ in the nature of
MANDAMUS directing respondents no.1 to 3 to
provide all the basic amenities to the petitioners in
the allotted area as promised while allotting the plots
and further withdraw all the above mentioned
notices/letters (Annexure P-4 to P-26) dated 22.06.2017,
03.07.2017, 07.07.2017, 11.07.2017, 18.07.2017.”*

Learned counsel for the petitioners submits that petitioners are the allottees of plots in Mandi Bassi Pathana. And prior to the institution of this petition, they had even served the authorities with a legal notice dated 30.06.2017 (P-27), regarding the demand of the respondents to deposit additional cost, owing to enhancement in the compensation of the acquired land, as also on account of imposition of penalty for non-construction of the site. He submits that even thereafter, the authorities were served with another legal notice dated 18.11.2022 (P-48), since the demand of the respondents was wholly illegal, arbitrary and violative of the principles of natural justice. However, owing to inaction on part of the respondents, the concerns/grievances of the petitioners remain unaddressed, and as a result, their interest continues to suffer.

Served with the advance copy of the petition, Mr.V.G. Jauhar, learned Additional Advocate General, Punjab, is present in Court. He submits that even earlier, the petitioners were served with demand notices in the year 2017, and prior thereto, in the year 2013-14, but they failed to make good the demand. As regards the legal notice dated 30.06.2017 (*ibid*), he submits that it was duly responded to by the Punjab Mandi Board. In reference to the communication dated 09.09.2017 (P-28), he submits that additional cost, owing to enhancement in the compensation, as also the penalty on account of non-construction, was imposed in terms of condition Nos. 8 and 11 of the allotment letter (P-3). However, he submits that as the representation/legal notices (*ibid*), which the petitioners allege to have served the respondent authorities with, are pending consideration, let this petition be disposed of, at this stage, to enable the authorities to deal therewith. And appropriate orders, in

accordance with law, shall be passed. He submits that if necessary, the petitioners would even be afforded an opportunity of hearing, before passing the necessary orders.

Learned counsel for the petitioners is in agreement with the course suggested by the learned State counsel, and submits that let this petition be disposed of, in terms of the statement made by him. However, he submits that the authorities be directed to pass the necessary orders within a specified time.

To this, learned State counsel submits that appropriate orders, in accordance with law, shall be passed within three months from today.

The petition is accordingly disposed of, in terms of the statement made by learned counsel for the parties.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

07.11.2023
Ak Sharma

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