

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

CWP-22494-2020 (O&M)

Date of decision : 02.09.2023

Gurtej Singh

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Amaninder Preet, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for setting aside the order/letter dated 15.10.2020 (Annexure P-11) issued by respondent No.5 being wrong and illegal.

It has been contended by counsel for the petitioner that the land measuring 35 kanals 15 marlas was taken by the petitioner in an auction in the year 2017-18 for sum of Rs.3,20,000/-, out of which, Rs.80,000/- was paid and remaining Rs.2,40,000/- was to be paid later on. He submits that after taking the land, he found that the water course to the said land did not exist and thus, he filed an application to the respondents-authorities for refunding his amount. However, without looking into the matter, petitioner was served with a notice for the recovery of the remaining amount of Rs.2,40,000/- by respondent-authority. On notice, State filed its reply.

Learned State counsel has submitted that the grievance raised by counsel for the petitioner is without any specific reason

and the grievance raised is also taken care of. It has been submitted that in response to the impugned notice, petitioner never appeared before the Authority. Rather he has directly approached this Court by way of present petition and because of the interim order passed, the recovery from the petitioner could not be made.

After hearing counsel for the parties and perusing the record, it is not in dispute that petitioner had taken the land on Chakota for a sum of Rs.3,20,000/-, however, he raised grievance regarding non-existence of the water course in the land which the respondents were liable to provide and thus, he is not responsible to pay the remaining amount.

Keeping in view the submissions made by counsel for the parties, the present petition which has been filed before this Court against the order passed by respondent No.4, is disposed of with liberty to the petitioner to approach the concerned authority by way of filing a detailed representation for the redressal of his grievance within ten days from today. If the petitioner files representation, the respondents-authorities would decide the same within four weeks thereafter. The stay granted by this Court vide order dated 28.09.2021 would remain in operation till the decision of his representation. Needless to say if he does not file the representation, this order would be of no avail to him.

All pending applications are also disposed of.

02.09.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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