

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CWP-19892-2023(O&M)
Date of decision: 06.11.2023
- Jyotsana and others

Versus

... Petitioners
- State of Haryana and others

... Respondents
2.

CWP-22559-2023(O&M)
- Om Parkash Gaba

Versus

... Petitioner
- Haryana Shehri Vikas Pradhikaran and another

... Respondents
3.

CWP-22653-2023(O&M)
- Suraj Malik

Versus

... Petitioner
- State of Haryana and others

... Respondents
4.

CWP-22683-2023(O&M)
- Preet Sihag

Versus

... Petitioner
- State of Haryana and others

... Respondents
5.

CWP-24013-2023(O&M)
- Ranjana Saini

Versus

... Petitioner
- State of Haryana and others

... Respondents
6.

CWP-24016-2023(O&M)
- Vijender Kumar

Versus

... Petitioner
- State of Haryana and others

... Respondents
7.

CWP-24651-2023(O&M)
- Ajay Singh

Versus

... Petitioner
- State of Haryana and others

... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Shalender Mohan, Advocate,
for the petitioners (in CWP-19892-2023).

Ms. Sonia G. Singh, Advocate,
for the petitioners (in CWP-22559-2023).

Mr. Parshant Sethi, Advocate,
for the petitioners (in CWP Nos.22653, 22683, 24013, 24016 &
24651 of 2023).

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Deepak Sabharwal, Advocate, and
Mr. Himmat Singh, Advocate, for the respondent(s)-HSVP.

ARUN PALLI, J. (Oral)

Vide this order, we shall decide a bunch of seven (7) petitions, for learned counsel for the respective parties are *ad idem* that the issue involved in these petitions is common. However, the facts are being derived from CWP-19892-2023 (**Jyotsana and others v. State of Haryana and others**).

On September 11, 2023, a coordinate Bench had passed the following order:

“Counsel *inter alia* submits that petitioner No.1 had been allotted two plots in auction proceedings while referring to allotment letters dated 13.03.2023 (Annexures P-6 and P-7) which was after letter of intent issued (Annexures P-1 to P-3). The offer of possession has also been given regarding the two plots in question (Annexures P-8 and P-9) to her on the same date. Petitioner Nos.2 and 3 had been separately allotted Plot No.263, Sector 5, Urban Estate, Hansi, though the allotment letter is not on record but offer of possession dated 12.06.2023 is also there (Annexure P-10). It is submitted that certificate of non-incumbrance dated 21.06.2023 (Annexure P-11) has also been given regarding one of the plots to petitioner Nos.2 and

3. It is accordingly submitted that vide the impugned communication dated 29.05.2023 (Annexure P-15), the bid has been cancelled and directions have been issued by the Chief Administrator to refund the amount deposited. It is submitted that there is no reasoning given in the said order as to why the said action has been taken. Accordingly, it is contended that once the allotment letters had been issued, the contract had been completed since earlier letter of intent was issued and the requisite amounts have been deposited.

Notice of motion.

Mr. Aman Bahri, Addl. A.G., Haryana accepts notice on behalf of the State and Mr. Deepak Sabherwal, Advocate accepts notice on behalf of respondent Nos.2 to 4 and both the counsels pray for time to file replies.

Adjourned to 10.01.2024. In the meantime, cancellation of plots qua the petitioners shall remain stayed.”

Concededly, despite opportunity, no response has been filed by the respondent(s).

Having argued the matter at some length, learned counsel for the parties have reached a consensus that the impugned order dated 29.05.2023 (P-15), vide which the bids of the petitioners were cancelled, and the amount deposited by them was ordered to be refunded, is bereft of any reason. Further, before the auction process was cancelled, and a decision in this regard was taken, neither the petitioners were afforded any notice or opportunity of

hearing. Thus, it is urged that cancellation of the bid(s) submitted by the petitioners and scrapping the entire auction process, is apparently erroneous and unsustainable. Accordingly, it is agreed that let these petitions be disposed of, at this stage, so as to enable the respondent authorities to re-examine the matter in issue/claims of the petitioners, and pass fresh orders in accordance with law.

In view of the statements made by learned counsel for the parties, we don't wish to delve any further into the merits of the case(s) and the petitions are, accordingly, disposed of in terms of their statements. Further, as submitted by learned counsel for the respondent(s)-HSVP, before any fresh orders are passed, the petitioners shall also be provided an opportunity of hearing, and they shall also be entitled to supplement their claims by placing on record the fresh material/representation(s). And, that being so, he fairly submits that the order dated 29.05.2023 (P-15) be deemed to have been re-called as the authority shall pass fresh orders, as expeditiously as possible, preferably within a period of eight weeks from today.

As agreed between the parties, till any fresh decision is made, the interim order dated 11.09.2023, shall continue to operate.

At this stage, learned counsel for the parties submit that apart from the matters which are listed today, two other petitions, i.e. CWP-20643-2023 and CWP-22452-2023 were also ordered to be heard with this bunch, but somehow the same have not been listed. Accordingly, it is urged that hearing in both the petitions, though the same are listed for 10.01.2024, be preponed.

As prayed, the hearing in the aforesaid two petitions, i.e. CWP-20643-2023 and CWP-22452-2023, is preponed. Office is directed to list the said petitions on 07.11.2023.

(Arun Palli)
Judge

06.11.2023
Rajan

(Vikram Aggarwal)
Judge

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO