

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

(112)

CWP-20756-2023

Decided on : 19.09.2023

Rameshwar Dass

.....Petitioner(s)

Versus

State of Haryana & another

.....Respondent(s)

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

Present: Mr.Pradhuman Garg, Advocate
Mr.Chahit Bansal, Advocate, for the petitioner (s).

Mr.Arun Beniwal, DAG, Haryana.

Mr.Deepak Sabherwal, Advocate, for respondent No.2.

G.S. Sandhawalia, J. (Oral)

1. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India, is to the e-auction notice (Annexure P-3) qua the petitioner regarding plot No.171, Kaithal measuring 8 marlas, the reserve price of which has been fixed at Rs.35,01,800/-.

2. The averments made in the petition are that one Ram Narian and Parhlad Rai gave power of attorney to Ramesh Kumar who was their nephew on 28.04.1995 (Annexure P-1). The petitioner is alleged to have purchased the property on the strength of the said power of attorney. The averments made are that the said property had not been registered in the name of the petitioner due to non-payment of the arrears due towards respondent No.2. The said vendors are stated to have agreed to pay in the near future to respondent No.2 and get the property registered in the name of the petitioner. However, a period of 20-22 years having gone by but the needful has not been done and it is claimed that the said property is in his possession being the only residential house of the petitioner on the basis of which the present writ petition has been filed.

3. We are of the considered opinion that disputed questions arise and even the locus-standi of the petitioner is questionable as he does not have a sale deed in his favour and the same has been put to auction by HSVP. It would be a matter of fact whether he would be in possession or not which would also be within the jurisdiction of the Civil Court. In such circumstances, we are of the considered opinion that even the argument raised that the petitioner is ready to pay the amount, does not convince us in any manner since it is open to the petitioner to participate in the auction proceedings if he so wishes to become the legal owner of the plot in question.

4. Accordingly, we are not inclined to exercise our extraordinary writ jurisdiction and dispose of the present writ petition, with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

19.09.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No