

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 24617 of 2023

Date of decision: 02.11.2023

Vinayak Infratech

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. S.P. Arora, Advocate,  
for the petitioners.  
Mr. Deepak Sabherwal, Advocate  
for the respondents.

**ARUN PALLI, J (Oral)**

The petitioner, herein, has prayed for the following substantive relief:

***“Civil writ petition under Article 226/227 of the Constitution of India, 1950, praying for issuance of appropriate writ order or direction in the nature of mandamus directing the respondents to issue the zoning of the plot bearing No.107-A Sector 20-A Urban Estate Panchkula measuring 3680 Sq. Mtr. auctioned in an E-Auction held on 28.05.2023 (Annexure P-7) so as to enable the petitioner to deposit the balance amount by the date fixed.***

**AND**

***Further for issue a writ in the nature of mandamus directing the respondent to complete the area of 3680 sq. mtr. of the plot in question at site as auctioned in the E-Auction dated 28.05.2023 (Annexure P-7)***

**AND/OR**

***Further for issue of a writ in the nature of mandamus directing the respondents to remove the water channels (Nala) is passing through the land auctioned to the petitioner for construction of group housing on plot NO.107-A, Sector 20-A, Panchkula***

**AND**

*Further for issue of a writ in the nature of mandamus directing the respondents not to charge any amount till the time of the zoning of the area is completed and possession of actual 3680 sq. mtr area is handed over to the petitioner as auctioned in the auction dated 28.05.2023.*

**AND**

*Further for issue a writ in the nature of mandamus directing the respondent that on their failure to complete the zoning and allot the actual area of the plot as per auction, the amount deposited by the petitioner i.e. Rs.10.68 Cr. Be refunded with reasonable rate of interest.*

**AND/OR**

*It is further respectfully prayed that during the pendency of the writ petition, operation of Clause (III) of Annexure P-8 may kindly be stayed.”*

Pursuant to the E-Auction, conducted by Haryana Shahari Vikas Pradhikaran, Haryana, and the petitioner being the highest bidder, a site measuring 3680 sq. mtr. (Plot No. 107-A, Sector 20-A), for group housing Panchkula, was allotted to him. Against the reserve price of Rs.24,60,34,400/-, the petitioner had submitted a bid of Rs.42,73,59,400/-. Concededly, the petitioner has already deposited 25% of the total sale consideration i.e. Rs.10,68,39,850/-. However, his grievance is that since a water channel (Nala) passes through the site in question, it is not feasible for the authorities to either deliver the actual physical possession of the allotted site or even approve the site plans. So much so, he asserts that even the zoning of the plot in question has not been issued. Whereas, on the contrary, in terms of Clause-III of the Letter of Intent dated 7.7.2023, the petitioner is being insisted to deposit the balance 75% of the amount. It is urged that zoning plan of the auctioned land ought to have been notified at the time of auction itself, but, no such formality was carried out. Further, even the area, for which the petitioner had submitted his bid (3680 sq. mtr.), is reduced to 2882.27 sq. mtr. at site. Therefore, in the given circumstances, the petitioner is virtually placed in a hapless situation as his business interest is severely impacted. So much so, he submits that prior to institution of this petition, he had submitted his representation dated 16.10.2023

which, even though some time has elapsed, but has not made any tangible progress.

Upon being served with an advance copy of the petition, Mr. Deepak Sabherwal, Advocate is present in Court. He submits that as the matter is pending consideration of the competent authority, let this petition be disposed of, at this stage, so as to enable the respondents to re-examine the concerns/grievances of the petitioner as raised in the petition and pass appropriate orders in accordance with law.

Learned counsel for petitioner is agreeable to the course suggested by the learned counsel for respondent and submits that let this petition be disposed of in terms of his statement, but the authorities be directed to pass the necessary orders within specified time.

To which, learned counsel for respondent submits that after affording an opportunity of hearing to the petitioner, the authorities would pass the necessary orders within four weeks from today. He further submits that even the interim prayer made in this petition, qua Claus-III, which postulates deposit of 75% of the sale consideration shall also be examined by the competent authority.

In the wake of the position sketched out above, this petition is accordingly disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the respondents shall consider the matter in issue in the right earnest and pass necessary orders as undertaken by learned counsel for respondent. This, however, shall not constitute any expression of opinion on merits of the case of either of parties. For, as already clarified above, the authorities shall pass order, strictly in accordance with law.

**(ARUN PALLI)**  
**JUDGE**

**(VIKRAM AGGARWAL)**  
**JUDGE**

02.11.2023  
deepak

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