

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27693-2023

Date of decision: 11.12.2023

Baljeet Singh and another

....Petitioners

Versus

Punjab State Agriculture Mandikaran and others

....Respondents

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

Present: Mr. Ashish Nagar, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Additional Advocate General, Punjab.

Mr. Shubham Jakhar, Advocate,
for respondents No.4 and 5.

ARUN PALLI, J. (Oral)

The petitioners herein have prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondent No.1 to return/refund the whole paid amount with respect to the Shop No.7 at Fish Market, Amritsar, purchased by the auction purchaser Baljeet Singh and Smt. Harpreet Kaur auction conducted by the respondent No.1 on 30/08/2016 {Allotment Letter dated 29/09/2016 (Annexure P-1)} alongwith interest and compensation for harassment; as the project has become unviable on account of the land being acquired by the respondent No.4 and 5 vide notification dated 17/04/2015 and 12/02/2019 (Annexure P-2 & P-3) respectively.”

Learned counsel for the petitioners submits that pursuant to the auction notice published by the respondent(s), the petitioners participated in the public auction. Being the highest bidder, a letter of allotment dated September 29, 2016, qua shop No.7, Mandi Fish Market, Amritsar, was issued in their favour. Consequently, per the terms and conditions of auction, they deposited 25% (plus Rs.10,000/- as token money), of the total sale consideration (Rs.3,25,000/-), on 02.09.2016. However, owing to the notification issued under Section 2(2) of the National Highways Act, 1956 (P-2), the pavement and parking area in the Fish Market, in front of the shops, is under acquisition for expanding the New National Highway No.503A. Therefore, he submits that it is not feasible for the respondent authorities to deliver the actual physical possession of the allotted site and transfer the site in their favour. Thus, in the given circumstances, vide a legal notice dated 15.05.2023 (P-5), the petitioners requested the authorities to refund the amount (Rs.3,25,000/-) deposited by them, along with the interest. But to no avail.

In reference to the letter dated 21.12.2020 (P-8), he submits that even qua certain other applicants/allottees, who were identically placed, pursuant to the order passed by this Court on 08.01.2021 (P-7), the authorities have since refunded the amount deposited by them. But, despite the legal notice dated 15.05.2023 (*ibid*), the matter has not made any tangible progress.

Served with the advance copy of the petition, Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, for respondents No.1 to 3, and Mr. Shubham Jakhar, Advocate, for respondents No.4 & 5, are present in Court.

Learned Additional Advocate General, Punjab, submits that as the respondent-authorities are alleged to be in seisin of the legal notice (*ibid*) submitted by the petitioners, let this petition be disposed of, at this stage, to enable the authorities to deal with the concerns/grievances of the petitioners, as sought to be raised in this petition. And pass appropriate orders, in accordance with law. He submits that if necessary, the petitioners shall also be afforded a hearing, before any such orders are passed.

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, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned State counsel submits that the appropriate orders shall be passed within a period of two months from today.

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

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned State counsel.

Needless to assert that this order shall not constitute any 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

11.12.2023
Ak Sharma

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