

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

CWP-26472-2023

Date of decision: 24.11.2023

Charanjit Singh and another

... Petitioners

Versus

Punjab State Agriculture Mandikaran Board 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, Addl. AG, Punjab,
for respondents No.1 to 3.
Mr. Shubham Jakhar, Advocate,
for respondents No.4 & 5.

ARUN PALLI, J. (Oral)

The petitioners 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.20 at Fish Market, Amritsar, purchased by
the auction purchaser Charanjit Singh and Baldev
Singh auction conducted by the respondent No.1 on
30/08/2016 {Allotment Letter dated 30/08/2016
(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 August
30, 2016, qua shop No.20, Mandi Fish Market, Amritsar, was issued in their

favour. Consequently, per the terms and conditions of auction, they deposited 25% of the total sale consideration (Rs.9,30,000/-) on 03.09.2016. 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 representation dated 11.05.2023 (P-5), the petitioners requested the authorities to refund the amount (Rs.9,30,000/-) 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 representation dated 11.05.2023 (P-5), submitted by the petitioners to the authorities, the matter has not made any tangible progress.

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

Learned Additional Advocate General, Punjab, appearing for respondents No.1 to 3, submits that as the respondent-authorities are alleged to be in seisin of the representation (**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 an opportunity of hearing, before any such orders are passed.

Learned counsel for the petitioners is in agreement with the course suggested by learned counsel for respondents No.1 to 3, 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 counsel for respondents No.1 to 3 submits that the appropriate orders, in accordance with law, 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, appropriate orders, in accordance with law, shall be passed within the time indicated by the learned counsel for the respondent(s).

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

24.11.2023
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO