

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3-2024

Date of decision: 05.01.2024

Navdeep KaurPetitioner
Versus

State of Punjab and othersRespondents

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

Present: Mr. P.P.S. Tung, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

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

*“Civil Writ Petition under Articles 226/227 of
the Constitution of India for issuance of an appropriate
writ, order of directions especially in the nature of
Certiorari Quashing the order/letter dated 17.05.2021
(Annexure P/1) passed by the respondent No.4 vide which
the respondent No.4 has cancelled the allotted S.C.O of the
petitioner being illegal, arbitrary and against the terms and
conditions of the allotment and principle of natural justice.
Further directed to the respondent No.3 to decide the
appeal of the petitioner within specific time.*

And/OR

*Further directing the respondent No.4 and 5
not to take physical possession of allotted S.C.O of the
petitioner because already paid more than 50% amount
during the pendency of present case.”*

Learned counsel for the petitioner submits that vide letter
No.369, dated 21.03.2018, the Improvement Trust, Barnala, had allotted

SCO No.07, Prem Pardhan Market Scheme, to the petitioner. He submits that the total sale price of the site was Rs.73,10,000/-, and the petitioner had already deposited an amount of Rs.40,76,037/-. He further submits that in terms of clause 4 of the allotment letter, the petitioner was required to pay the balance amount within a period of six months, which, for reasons beyond his control, he failed to deposit. And, as a result, the Trust, vide impugned letter/order dated 17.05.2021 (P-1), cancelled the allotment, and it was observed that the amount deposited by the petitioner would be forfeited. Further, it was also indicated that the said order could be appealed against within a period of 60 days, before the competent authority. It is urged that the petitioner immediately filed an appeal before the Secretary, Local Bodies, Punjab, on 16.07.2021, vide diary No. 1576, but to date, no action has been taken thereon. In fact, upon approaching the office of the Secretary, he was informed by the officials that his appeal has since been forwarded for consideration to respondent No.3 on 19.07.2021, vide diary No.1587, which is still pending. It is submitted that on the one hand, the appeal preferred by the petitioner is not being adjudicated, whereas, on the other, the site in question is sought to be e-auctioned. And, the date and time for commencement of the online bidding is 08.01.2024 at 10:00 AM.

Served with the advance copy of the petition, Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, is present in Court.

In reference to the communication dated 17.05.2021 (*ibid*), he asserts that apparently, for the petitioner had failed to comply with the terms of the allotment, the authorities were choice-less but to cancel the allotment. Particularly, when despite repeated notices, he failed to pay the balance consideration. He further submits that the date for e-auction has been extended by two weeks. Be that as it may, he submits that since the appeal is alleged to have been filed against the order of cancellation (*ibid*), and is stated to be pending, let this petition be disposed of to enable the authorities to deal therewith and pass the necessary orders thereon, in accordance with law. And, he submits that before any such order is passed, the petitioner shall also be afforded a hearing.

Learned counsel for the petitioner 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 one week from today.

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

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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

05.01.2024
Ak Sharma

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