

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2359-2024(O&M)
Date of decision: 05.02.2024

Pushpa Pal
... Petitioner
Versus
State of Punjab and others
... Respondents

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

Present: Mr. Shashi Kumar Yadav, Advocate,
for the petitioner.
Mr. V.G. Jauhar, Addl. AG, Punjab.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of Mandamus directing respondents no.1 to 4 to get the order dated 03.01.2023 and 03.08.2023 (Annexure P-7 & 8) implemented/enforced/complied with as if it were a decree or order made by the principal civil court in a suit pending therein in terms of Section 40 of the Real Estate (Regulation and Development) Act, 2016 and Rule 25 of the Punjab State Real Estate (Regulation and Development), Rules, 2017.”

In essence, the grievance of the petitioner is that despite the order dated January 3, 2023 (P-7), passed by the Real Estate Regulatory Authority, Punjab, and also the order dated August 3, 2023 (P-8), passed by the Executing Court, the authorities have failed to execute the decree and release the requisite

amount. It is submitted that inaction at the end of the respondents is writ large. And, as a result, the rights and interest of the petitioner continue to suffer.

Served with the advance copy of the petition, Mr. V.G. Jauhar, Additional Advocate General, Punjab, on behalf of respondents No.1 to 4-State is present in Court. At the outset, he submits that property of respondent No.5-M/s Mona Township Private Ltd., has since been attached on 01.02.2024, vide rapat No.573. And, the concerned Tehsildar had already written to the Deputy Commissioner, Sahibjada Ajit Singh Nagar, Mohali, for granting necessary approvals to auction the property. He submits that unless there are justifiable reasons, the entire process to realize the decretal amount shall be concluded within a period of six weeks from today.

That being so, learned counsel for the petitioner submits that let the petition be disposed of in terms of the statement of learned State counsel.

In the wake of the position sketched out above, the petition is disposed of in terms of the statements made by learned counsel for the parties. However, if the process of recovery is not concluded within the period as undertaken by learned State counsel, the petitioner shall be at liberty to move appropriate application in this petition itself, for its restoration and necessary orders.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

05.02.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO