

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6511-2024

Date of decision: 19.03.2024

Varun Garg

....Petitioner

Versus

The Punjab Small Industries & Export Corporation Ltd., and others

....Respondents

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

Present: Mr. Kanwaljit Singh, Senior Advocate, with
Mr. Robin Gill, Advocate,
for the petitioner.

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 in the nature of mandamus or any other appropriate writ order or direction as may be deemed fit by this Hon’ble Court, directing the respondents to hand over the clear and vacant possession of the auctioned plot allotted to the petitioner after shifting the 33/66 KV HT wires/lines and the Electric Tower from the auctioned plot in question in a time bound manner or in the alternative to allot an alternative plot of the same size to the petition and/or to give the possession of the residual area of the plot immediately and the possession of the remaining area of the plot after removal/shifting of the HT lines from the plot which shall be in the interest of justice, so that, the petitioner is able to run his industry as per the allotment.*”**

Learned Senior counsel for the petitioner submits that, in essence, the limited grievance that the petitioner has is: three High Tension electric wires at a height of 5.91, 6.04 and 7.80 meters pass over plot No.C-30, Industrial Growth Centre, Bathinda, allotted to the petitioner. Further, one HT electric tower is also situated in the said plot, along with three HT wires from road level at 7.76, 7.77 and 12.12 meters, which have not been removed by the respondents to date. And, as a result, neither the petitioner is in a position to obtain actual physical possession of the allotted site, nor can he construct the same, for the intended usage. Whereas, on the contrary, vide letters dated 14.07.2023 (P-3) and 05.09.2023 (P-6), the petitioner is being coerced to accept possession. He asserts that rather than being sensitive to the concerns/grievances of the petitioner, the respondent authorities, in reference to the NOTE appended to clause 33 of the letter of allotment, dated 28.04.2022 (P-1), are trying to justify their action, for the site was auctioned on “as is where is basis”. It is submitted that the petitioner had submitted the highest bid (Rs.1,35,70,000/-) in the e-auction conducted by the respondent-Corporation and, in terms of the letter of allotment, has since deposited 25% of the premium/consideration. And he is ready/willing to deposit the balance amount, provided he is offered possession of an unencumbered site. So much so, considering the situation the petitioner is faced with, prayer for an alternate site has also been made, which too, has failed to evoke any response. Likewise, the representation dated 04.08.2023 (P-4), the authorities have been served with, has yielded no result. Hence, the petitioner continues to suffer, owing to an apparent insensitive approach of the authorities.

Notice of motion.

On the asking of the Court, Mr. Jastej Singh, learned Deputy Advocate General, Punjab, present in Court, accepts notice on behalf of the respondents. At the outset, he submits that as the competent authority is already in seisin of the concerns/grievances of the petitioner, it would rather be expedient if this petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on his representation (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall be heard.

Learned Senior counsel for the petitioner is in agreement with the course suggested by 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 matter being time sensitive, the authorities be directed to do the needful within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of six weeks 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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

19.03.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No