

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 4551 of 2023 (O&M)
Reserved on: 06.12.2023
Pronounced on 12.03.2024

Kiran Lata Bishnoi Petitioner

Vs.

State of Haryana and others Respondents

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

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana
Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana,
Ms. Kushaldeep Kaur, Advocate.

Mr. P.S. Chauhan, Advocate,
for respondent No.4.

ARUN PALLI, J.

The petitioner has prayed for the following substantive relief:

*“Civil Writ Petition under Articles 226/227
of the Constitution of India for the issuance of writ,
order or direction especially in the nature of mandamus
thereby directing the respondents to issue allotment
letter to the petitioner being success bidder in
accordance with terms and conditions of the E-auction
Policy (Annexure P-3) and further to issue the schedule
of payment and further declaring the action of the
respondents in cancelling the allotment and refunding
the amount without any rhyme and reason being illegal,
against the terms and conditions of the Policy especially
with respect to Shop No.29 and further for issuance of a
writ in the nature of Prohibition thereby restraining the*

respondents from re-auctioning the Shop No.29 in pursuance to the communication dated 21.02.2023 (Annexure P-12).”

Learned counsel for the petitioner submits that pursuant to the communication dated 21.10.2020 (P-3), issued by Director General Urban Local Bodies, Haryana, the authorities, with an intent and purpose to shift the milk dairies from urban areas to outside the municipal limits, sought to allot plots by way of e-auction. The auction was conducted on 29.10.2010, and the petitioner registered for shop No.29. Per terms of the auction, she deposited Rs.1,00,000/- as security on 29.10.2020. For the petitioner submitted the highest bid, she was adjudged H1. And, in sync with the terms/conditions of the policy, she also deposited Rs.4,65,000/- on 31.10.2020, and thus, in total, she deposited Rs.5,65,000/-. Therefore, she had a legitimate expectation for being formally allotted the site, as she was ready/willing to abide by the terms of the auction. However, surprisingly, rather than issuing a Letter of Intent, the respondent authorities credited the amount deposited by the petitioner in her bank account. Thus, it is urged that the action of the respondents is apparently arbitrary, unfair and unsustainable. For the competent authority neither passed any formal order before rejecting the bid submitted by the petitioner, nor, to date, she has been communicated the reasons, as to what compelled the authority to cancel the process. In this regard, he places reliance upon a decision of the Supreme Court in M/s Star Enterprises etc. Vs. City and Industrial Development Corporation of Maharashtra Ltd. and others, 1990 (3) SCC 280, and a decision of this Court in Surja Ram Vs. State of Haryana and another, 1984 AIR (Punjab and Haryana) 282.

Before proceeding further, it would be apposite to refer to the order dated 19.04.2023, passed by the Coordinate Bench:

“Learned counsel for the respondents has handed-over a copy of the order dated 15.03.2023 to the counsel for the applicant-petitioner, vide which the Scheme, under which the plots were allotted, has been scrapped and the auction has been cancelled. He, on the basis of the same,

contends that not only the application but the main writ petition also would be rendered infructuous.

Learned counsel for the applicant-petitioner prays for an adjournment to seek instructions in this regard.

Prayer granted.

Adjourned to 25.04.2023.”

Whereafter, learned counsel for the petitioner was granted time to respond to the said order. However, to date, the query remains unaddressed.

Be that as it may, learned counsel for respondent-Municipal Corporation submits that it shall be expedient if the petition at hand is disposed of, at this stage, to enable the competent authority to examine the concerns/grievances, as sought to be raised in this petition. And pass necessary orders, assigning reasons in support thereof. Further, before any such orders are passed, all the stakeholders, including the petitioner, shall be heard. And the petitioner shall also be at liberty to place any fresh material/documents, if so advised, to support/substantiate her claim, provided the same are submitted within two weeks from the date of this order. However, he fairly submits that till the formal orders, as indicated above, are passed, the site/shop in question would not be put to auction, creating any third party rights.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for respondent No.4, and submits that let this petition be disposed of, in terms of the statement made by him. However, he submits that the authorities be directed to do the needful within a specified time.

In response, learned counsel for respondent No.4 submits that the appropriate orders, in accordance with law, shall be passed within a period of two months from the date of this order.

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 pass appropriate orders within the time indicated by learned counsel for respondent No.4.

Needless to assert that this order shall not constitute an 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

12.03.2024
deepak/AK Sharma

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