

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6556-2024(O&M)
Date of decision: 19.03.2024

Saroj Rani
... Petitioner
Versus
State of Haryana and others
... Respondents

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

Present: Mr. V.K. Sachdeva, Advocate,
for the petitioner.
Mr. Deepak Sabherwal, Advocate,
for respondents No.1 to 4.
Mr. Gaurav Goel, Advocate, and
Mr. Tajinder Singh, Advocate, for respondent No.6.

ARUN PALLI, J. (Oral)

Pursuant to recovery certificate No.RC/241/2020 in OA/517/2017,
a proclamation notice dated 23.01.2023 (P-2), as regards the sale of 14
immovable properties, was issued by Debt Recovery Tribunal-II, Chandigarh,
for a sum of Rs.50,17,65,107.40 plus interest and costs of Rs.1,50,000/-,
against M/s Dev Dhan Raj Agri Products International Pvt. Ltd. and eight other
certificate debtors.

Learned counsel for the petitioner submits that in an auction
conducted by Recovery Officer-I, DRT-II, Chandigarh on 21.03.2023,
petitioner (Saroj Rani), against a reserve price of Rs.1,26,60,000/-, was
adjudged H1 having submitted the highest bid of Rs.1,72,10,000/-.
Accordingly, a sale certificate dated 12.05.2023 (P-1), was issued in her
favour. Even, the original title deed and other relevant documents qua the
property in question were handed over to her. Further, vide communication

dated 25.05.2023 (P-4), she was put in actual physical possession of the auctioned site. He submits that the limited grievance that the petitioner has is: respondents No.2 to 4 (HSVP) have orally declined to transfer the ownership of the site in favour of the petitioner as the allottee had not obtained the necessary approval/ permission before mortgaging the property with the bank. In the given circumstances, the Recovery Officer-II, vide order dated 02.12.2023 (P-19) directed the Certificate Holder Bank (SBI) to assist the Local Commissioner as also the Auction Purchaser in registration of the plot. Accordingly, the Haryana Urban Development Authority was directed to take cognizance of the decision of this Court dated 14.12.2011, rendered in CWP-10121-2011 (**Smt. Dulari and another v. State of Haryana and others**). Whereby, it was concluded that condition in allotment letter, requiring the owner to obtain prior permission of HUDA before mortgaging the property, has no nexus with the validity/legality of the auction or the sale certificate issued under SARFEASI Act. It is submitted that pursuant to the order dated 02.12.2023 (**ibid**), the Local Commissioner visited the authority (HSVP) and vide affidavit/report dated 26.12.2023 (P20) assured that after considering the order passed by the Tribunal as also the decision of this Court referred to above, the concerned officer would submit the report in this regard at the earliest. And the communication dated 26.12.2023 (P-22), reveals that in the wake of the decision of this Court, directions were being sought from the higher authorities, and the matter was under consideration for conducting auction. Despite this, he asserts, the authorities have failed to resolve the matter and even the representation dated 28.02.2024 (P-28), the authorities have been served with, has failed to evoke any response. Not just that, even the

Recovery Officer has failed to pursue the matter any further. Similarly, the orders passed by the Recovery Officer-II, DRT-II, Chandigarh, Annexure P-29 (Colly.), shows that CH Bank was represented by a proxy counsel from the last three dates. And the matter has not made any tangible progress. Thus, in the given circumstances, he asserts that the approach and the manner in which the claim of the petitioner has been dealt with is insensitive, unfair and unjust. Particularly, the petitioner being an auction purchaser, and having deposited the entire consideration (Rs.1,72,10,000/-), has not been able to get the property transferred/mutated in her name.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, on behalf of respondents No.1 to 4, and Mr. Gaurav Goel, Advocate, on behalf of respondent No.6, are present in Court.

At the outset, learned counsel for the respondents submit that as the matter is still pending consideration of the competent authority, it would be expedient if this petition is disposed of, at this stage, to enable the respondents to resolve the issue at the earliest. And pass necessary orders in accordance with law.

Concededly, as a considerable time has elapsed, and the petitioner for no fault of hers is made to suffer, learned counsel for the respondents are *ad idem* that they in tandem to facilitate the process for transfer of property in the name of the petitioner, after affording her an opportunity of hearing.

Learned counsel for the respondent(s)-HSVP submits that the petitioner may appear before the competent authority (Chief Administrator, HSVP, Sector 6, Panchkula) on 22.03.2024 @ 11:00 AM. And, after affording

her an opportunity of hearing, it would pass the necessary orders within two weeks thereafter.

That being so, learned counsel for the petitioner submits that let the petition be disposed of in terms of the statements made by learned counsel for the respondents.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of. This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders in accordance with law.

However, it is made clear that if the matter is not finally concluded and the orders are not passed within the time indicated above, the petitioner shall be at liberty to move an appropriate application in this petition itself for restoration and its decision on merits.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

19.03.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO