

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 10156 of 2024

Date of decision: 03.05.2024

Ramesh Lal

.... Petitioner

Vs.

State of Punjab and another

.... Respondents

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

Present: Ms. Manveen Kahlon, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G. Punjab.

ARUN PALLI, J (Oral)

A mandamus is prayed for to command the respondents to refund an amount of Rs. 15,54,000/-, with interest @ 24% per annum, to the petitioner.

Learned counsel for the petitioner submits that a Grain Shop No.2, Mandi Batala, Gurdaspur, measuring 16'-6" x 50', was allotted to the petitioner on 14.10.2013 (P-1), by the Administrator, New Mandi Township, Punjab. It is submitted that, per the conditions of the allotment, the petitioner deposited 25% of the sale consideration, i.e. Rs.9,25,000/-, as advance payment, on the date of auction itself (7.10.2013). Whereafter, she submits that the petitioner even remitted the first installment of Rs.6,29,000/- on 14.04.2014, as per payment schedule (P-2). Thus, it is urged that out of total sale consideration of Rs.37,00,000/-, the petitioner had already deposited Rs.15,54,000/-. However, the petitioner has not remitted the next 5 installments (2nd to 6th), that were required to be remitted from 14.10.2014 to 14.10.2016, for the allotted site is a subject matter of dispute before the Civil Court. She asserts that over a decade has gone by since the allotment of site, but apparently the respondents have failed to deliver actual physical possession. She further submits that the petitioner had served the respondent authorities with a legal notice dated 19.04.2023 (P-3), qua his concerns/grievances. But surprisingly, vide communication dated 18.9.2023

(P-5), respondent No.2, with reference to Clause 12 and 20 of the letter of allotment, has conveyed that the allotted site was required to be constructed within 2 years and 6 months. Further, the petitioner ought to have deposited even the balance sale consideration. Therefore, the default on the part of the petitioner would rather entail resumption of the allotted site and forfeiture of 10% of the sale consideration. She asserts that, *ex facie*, on the one hand the respondent authorities have utterly failed to deliver the actual physical possession of the unencumbered site, and on the other, the petitioner is being coerced to pay not only the balance sale consideration but also to construct the site. Even though the solution to the alleged dispute is not insight.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, Additional Advocate General, Punjab, is present in Court. He, at the outset, submits for the representation dated 04.03.2024 (P-6), the authorities have been served with, is pending consideration, it would be expedient if the petition is disposed of, at this stage, to enable the respondents to deal with the concerns/grievances of the petitioner and pass necessary orders. Further, he submits that before any such orders are passed, the petitioner shall also be afforded an opportunity of hearing. And a formal communication in this regard will be served upon him, well in advance.

Learned counsel for petitioner is agreeable to the course suggested by the learned State counsel and submits that let this petition be disposed of in view of the statement made by him. However, he submits that the matter being time sensitive, it would be in the fitness of things, if the respondents are directed to consider and finally decide the matter, within a specified time.

To this, learned State counsel submits that necessary orders in this regard would be passed within three weeks from today.

In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, this petition is accordingly disposed of.

This Court is sanguine that the authorities shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned State counsel, assigning reasons in support thereof.

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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

03.05.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No