

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 10229 of 2024

Date of decision: 06.05.2024

Ranjit Kaur

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

**Present: Mr. Parunjeet Singh, 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 the issuance of direction especially in the nature of Certiorari quashing order dated 17.08.2022 (Annexure P-8), whereby the allotment of the residential plot NO.139, measuring 400 Sq. Yds. in Secotr 82, Alpha, Block-A, in IT City, S.A.S. Nagar Mohali (hereinafter referred to as the plot) has been illegally cancelled by the respondent No.5, since the same is contrary to the factual and legal position and without any notice to the Petitioner.

AND

Further for issuance of a writ in the nature of certiorari for quashing of the order (s) daed 08.09.2023, Annexure P-9, passed by the Respondent No.4 in Appeal against the order dated 17.08.2022.

AND

Further, for issuance of a writ in the nature of certiorari for quashing of the order (s) daed 16.01.2024, Annexure P-12, passed by the Respondent No.5, whereby6 the Respondent has ordered to return back the deposited amount of

Rs.1,28,50,045/- to the Petitioner and to declare the plot in question as vacant during the pendency of the Revision petition titled as Ranjit Kaur vs. Chief Administrator and Anr, registered as Revision No.13/28/2023 before the Respondent NO.2, Annexure P-10.

AND

To issue a writ in the nature of mandamus, directing the Respondent No.2 to give an actual date of hearing in Revision NO.13/28/2023 titled as Ranjit Kaur vs. Chief Administrator and Anr., Annexure P-1- and decide the same expeditiously, in the time bound manner.

AND

Further to issue a direction in the nature of mandamus to direct the Respondent No.2 to expeditiously decide the stay application (s) dated 19.02.2024 and 28.03.2024, Annexure P-13 and Annexure P-14, expeditiously, in the time bound manner.”

Learned counsel for the petitioner submits that vide letter of allotment dated 13.12.2018 (P-2), the petitioner was allotted residential plot No.139, Park Facing, Sector 82, Alpha Block-A, IT City, S.A.S. Nagar, measuring 400 square yards. He submits that although the petitioner has already remitted the entire premium/consideration, but the only ground on which the authorities, vide impugned order dated 17.08.2022 (P-8), cancelled the allotted site was that the amount was not deposited per the payment schedule. Being aggrieved, he submits that the petitioner had preferred an appeal, which too was dismissed on 08.09.2023 (P-9). It is urged that the revision petition under Section 45 (8) of the Punjab Regional and Town Planning and Development Act, 1995, against the order of cancellation dated 17.08.2022 as also dated 08.09.2023 (*ibid*) is pending consideration before the revisional authority. It is urged that the limited grievance that the petitioner has is: the revision was taken up by the revisional authority on 11.12.2023 and notice was issued to the respondents for 16.1.2024. However, the matter was not taken up on the adjourned date

and accordingly it was adjourned to 11.03.2024. Although, he submits that the petitioner appeared on 11.03.2024 before the revisional authority, but again the matter was adjourned to 09.04.2024 and once again, no orders were passed. Even the next date, fixed in the revision, has yet not been notified. He asserts that on the one hand, the revision filed by the petitioner is not being heard, but on the other, the authorities vide impugned order dated 16.01.2024 (P-12) have granted formal approval to refund the amount deposited by the petitioner. And, have also declared the allotted site as vacant for being re-auctioned. It is submitted that the matter being time sensitive, not only the petitioner had initially prayed for interim relief in the revision itself, but subsequently also moved two separate applications praying for stay, but to no avail. Hence, he submits that in the given circumstances, the authorities be directed to consider and decide the revision preferred by the petitioner within a specified time and/or also pass necessary orders on the interim relief that has been prayed for.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, Additional Advocate General, Punjab, is present in Court. At the outset, he submits, that the revision, preferred by the petitioner, shall be decided by the revisional authority within four weeks from today. And, if for any plausible reasons, it is not viable to dispose of the matter within the said period then at best, within two weeks thereafter. Further, he fairly submits that till any formal orders are passed, deciding the revision petition, status quo as regards the site in question shall be maintained.

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.

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 authority 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

06.05.2024
deepak

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