



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 11893 of 2024
Date of decision: 21.05.2024

Shri Bhagwan

.... Petitioner

Vs.

State of Haryana and another

.... Respondents

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

Present: Mr. Sunil Kumar Dhanda, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner has prayed for the following substantive relief:

*“Civil Writ Petition 226/227 of the Constitution of India
praying for issuance of a writ in the nature of
Mandamus directing the respondents to deliver the
possession of commercial plot no.9 in Sector 1-PAT,
Urban Estate Pataudi which is totally violation of
allotment letter dated 22.02.2023 (Annexure P-1), due
to non-availability of possession certificate petitioner is
suffering huge lose which is against the principal of
natural justice.*

AND

*Further issue a direction to respondents to pay interest
@ 5.5% till its realization upon the auction amount
which has already paid by petitioner because
respondents failed to deliver the possession of
commercial plot and as per allotment letter dated
22.02.2023 (P-1) clause 5 respondents are liable to pay
@ 5.5% interest till the date of delivery of possession,
which is illegally withheld by the respondents in
arbitrary and unconstitutional manner.*

AND



In the alternative, issue appropriate direction to the respondents to consider and take a final decision petitioner's representation dated 13.03.2024 (Annexure P-7), by passing a speaking and well reasoned, within some short stipulated period."

Learned counsel for the petitioner submits that pursuant to the e-auction conducted by the respondent authorities, the petitioner, who was one of the participants, was adjudged H-1 and was accordingly issued a letter of allotment dated 22.02.2023 (P-1), whereby a commercial site/plot No.9 in Sector 1-PAT, Urban Estate Pataudi, was allotted in his favour. It is submitted that the site in question, consisted of an area of 121 sq. meter, was auctioned for a consideration of Rs.1,44,50,900/-. He submits that petitioner, vide communication dated 22.02.2023, in terms of Clause 4 of the letter of allotment, was offered possession of the allotted site. And it is not in dispute either that the total consideration/premium has since been deposited by the petitioner per Clause 2 of the letter of allotment. However, he submits that despite this, he was not delivered the actual physical possession of the allotted site. And per the information obtained under the Right to Information Act, dated 06.02.2024 (P-5), it was discovered that in fact, the case for issuance of possession letter of the allotted site was dismissed "**due to no development work on site**". It is urged that vide communication dated 19.02.2024 (Portal), the petitioner's application for possession has since been rejected but apparently there were/are no reasons assigned therefor. He submits that in terms of Clause 5 of the letter of allotment, in case, the possession was not delivered within 30 days, after receipt of the application, the respondent authorities were obliged to pay 5.5% interest on the deposited amount till offer of possession. Thus, this petition.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP is present in Court. He, on instructions, fairly submits that as all the development works have since been carried out at site, the same is ready to be delivered possession of. Therefore, he submits that the petitioner may, on 27.05.2024, be present at site and necessary instructions, to the concerned official, will be issued to



deliver the actual physical possession to the petitioner at site, free from all encumbrances. As regards award of interest, in terms of Clause 5 of letter of allotment, he submits that since the petitioner requested for delivery of possession on 07.04.2023, 30 days period expired on 07.05.2023 and, therefore, the authorities are obligated to award interest to the petitioner for delayed delivery of possession from the said date. He submits that necessary orders in this regard shall be passed by the competent authority within a week from today and the amount, the petitioner is entitled to, shall be released in his bank account, without any further delay.

That being so, learned counsel for the petitioner submits that nothing substantive survives in the petition and the same be disposed of in terms of the statement made by learned counsel for the respondent-HSVP.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.05.2024
deepak

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