



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 13984 of 2024

Date of decision: 31.05.2024

M/s Galaxy World and another

.... Petitioners

Vs.

State of Punjab and another

.... Respondents

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

Present: Mr. Aalok Jagga, Advocate for the petitioners.

ARUN PALLI, J (Oral)

The petitioners have prayed for the following substantive relief:
“Civil Writ Petition under Articles 226/227 of the Constitution of India with the prayer that this Hon’ble Court may be pleased to issue a writ in the nature of certiorari quashing the impugned letter/notice dated 16.04.2024 (Annexure P-18) whereby respondent no.2 is not only demanding the instalment in terms of the allotment letter dated 05.04.2022 but had also imposed penal interest without appreciating that it is yet to take a decision regarding the effective date of allotment in terms of clause 17 of the allotment letter dated 05.04.2022 for which the petitioner no.1 had already submitted a representation dated 02.04.2024 (Annexure P-17). It is further prayed that this Hon’ble Court may be pleased to issue a writ in the nature of mandamus directing respondent no.2 to issue revised allotment letter of site No.1 and 2, Industrial Focal Point, Phase IX, Mohali in terms of Clause 17 of the Allotment letter dated 05.04.2022 (Annexure P-9) by considering effective date of allotment as 24.11.2023 i.e. the date when respondent No.2 granted permission to the petitioner no.1 to remove the trees and encumbrances on its own; in spite of pending representation dated 02.04.2024 (Annexure P-17) with respondent No.2.

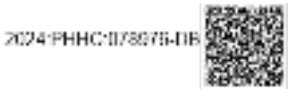


It is still further prayed that this Hon'ble High Court be pleased to issue an appropriate writ order or direction directing respondent No.2 to provide basic amenities including electricity, water and sewerage at the aforesaid allotted site of the Petitioner, without which no construction/development activity can be carried out to the extent as required."

Learned counsel for the petitioners submits that vide impugned notice dated 16.04.2024 (P-18), the respondent authorities are not only demanding installments in terms of letter of allotment dated 05.04.2022 (P-9), but have also imposed penal interest. He submits that a conscious decision as regards the date of allotment in terms of Clause 17 of the letter of allotment is yet to be reached and, therefore, in the given circumstances, the respondents are, in fact, required to revise the letter of allotment. It is urged that prior to the institution of the petition, the petitioners had even served the respondent authorities with a representation dated 02.04.2024 (P-17), but to no avail. Thus, this petition.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, Additional Advocate General, Punjab, is present in Court on behalf of the respondents. At the outset, on instructions, he submits, for the competent authority is already in seisin of the representation submitted by the petitioner, it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to deal with the concerns/grievances of the petitioner that are sought to be raised in the petition and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioners, through their authorized representatives, shall also be afforded an opportunity of hearing. And a formal communication in this regard will be issued to them, well in advance.

Learned counsel for the petitioners is agreeable to the course suggested by the learned State counsel and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that the matter being time sensitive, the competent authority be directed to consider and finally decide the matter within a specified time.



To this, learned State counsel submits that the necessary orders in this regard shall be passed within four 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 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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

31.05.2024
deepak

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