



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-15087-2024(O&M)
Date of decision: 05.07.2024

Darshan Kumar
... Petitioner
Versus
Chief Administrator, Housing Board Haryana
... Respondent

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

Present: Mr. Sahil Garg, Advocate,
for the petitioner.
Mr. Deepak Sabherwal, Advocate,
for the respondent.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“Civil writ petition under Article 226/227 of the Constitution of India seeking a writ, order or direction, particularly in the nature of certiorari, quashing the impugned undated Public Notice (Annexure P-6), vide which the respondent have cancelled the auction of the Flat no FF 64, situated at Sector 12, Alipur Panchkula (subject property), in which the petitioner was declared as the highest/successful bidder (H1), being arbitrary illegal and against principles of natural justice.

AND

Issuance of a writ, order or direction, particularly in the nature of mandamus, directing the respondent authority to issue a letter of intent for allotment of the subject property, as the petitioner was declared the highest/successful bidder (H1) in the auction held for the sale of the subject property.



AND

Issue a writ, order, or direction particularly in the nature of mandamus, directing the respondent authority to decide the representation dated 29.06.2024 (Annexure P-7) sent by the petitioner and pass appropriate order, in accordance with law, assigning reasons and disclosing the basis for cancelling the auction held for sale of the subject property.

AND

Issuance of a writ, order or direction, particularly in the nature of mandamus directing the respondent to stay any further action which would have the effect of creating third party rights with respect to the subject property.

AND

Further to grant the petitioner appropriate relief of compensation/damage along with interest on account of loss caused, due to cancelling the auction where the petitioner was declared the highest/successful bidder (H1), without any basis and without assigning any cogent reason for the same.”

At the outset, learned counsel for the petitioner submits that prior to the institution of this petition, the petitioner had even served the respondent-authorities with a representation dated June 29, 2024 (P-7) qua his concerns and grievances. But to no avail.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate is present in Court on behalf of the respondent. Although, he vehemently disputes the claim of the petitioner and seeks to justify as to in what circumstances the authorities were impelled to cancel the e-auction that



authority is already in *seisin* of the representation (**ibid**) of the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the competent authority to consider the concerns/grievances of the petitioner. And pass appropriate orders, in accordance with law.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondent. However, he submits that the authorities be directed to take a decision within a specified time.

In response, learned counsel for the respondent submits that necessary orders shall be passed within a period of 4 weeks from today.

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 respondent authority shall consider the matter in the right earnest, and pass the appropriate orders in accordance with law.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

05.07.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO