

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision :21.02.2024
CWP No.24264 of 2017 (O&M)

M/s A & V Enterprise LLP

Versus

State of Punjab and others

.....Petitioner

..... Respondents

CWP No.24270 of 2017 (O&M)

M/s Kshitij Promoters Pvt. Ltd.

Versus

State of Punjab and others

.....Petitioner

..... Respondents

CWP No.24273 of 2017 (O&M)

M/s A & V Enterprise LLP

Versus

State of Punjab and others

.....Petitioner

..... Respondents

CWP No.24276 of 2017 (O&M)

M/s Kshitij Promoters Pvt. Ltd.

Versus

State of Punjab and others

.....Petitioner

..... Respondents

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

Present : Mr. J.S.Bhatia, Advocate for the petitioner.

Ms. Anu Chatrath Kapoor, Addl. A.G. Punjab.
Mr. R.S.Khosla, Sr. Advocate with
Mr. Yogender Verma, Advocate for respondents No.3
Mr. ADS Jattana, Advocate for respondent No.5
in CWP-24276-2017

ARUN PALLI, J. (Oral):

For, concededly, the matter in issue, in this batch of four petitions, is identical, therefore, these are being decided by a common order and judgment. However, the facts are being derived from CWP No.24264 of 2017.

The petitioner has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226/227 of the Constitution of India seeking issuance writ especially in the nature of Certorari quashing the impugned auction held on dated 11.10.2017, pursuant to the advertisement dated 06.10.2017 (Annexure P-2) whereby the site has been auctioned to respondent no.5 being wholly illegal, arbitrary and against well settled principles of law.

Further for issuance of a writ in the nature of Mandamus directing the respondent authorities not to confirm the sale and not to issue allotment letter during pendency of the writ petition.

Further for issuance of the writ in the nature of the mandamus directing the respondents to decide the representation dated 13.10.2017 (Annexure P-7) submitted by the petitioner.”

Learned counsel for the petitioner, in reference to the order dated 26.10.2017, submits that a Co-ordinate Bench, while issuing notice of motion, had observed that the allotments, if any, made pursuant to the impugned e-auction, would be subject to further orders of this Court. It is not disputed that since the matter remained pending, no formal allotment(s) has so far been made by the respondents-authority. It is submitted that prior to the institution of this petition, the petitioner had even served the respondents-authority with a

representation dated 13.10.2017 (P7), qua its concerns/grievances. But to no avail. In the connected three petitions, no response has been submitted on behalf of the respondents-authority, so far. Therefore, learned counsel for the parties are *ad idem* that in the given circumstances, it would rather be expedient, if all these petitions are disposed of, to enable the competent authority to take cognizance of the representation (ibid) that is alleged to have been submitted by the petitioner(s) so that necessary orders in accordance with law could be passed thereon.

Learned counsel for the petitioner submits, for the matter is pending for a considerable time, the respondents-authority be directed to consider and decide the same, within a specified time.

In response, Mr. R.S.Khosla, learned Senior counsel for respondent No.3 submits that the competent authority would take cognizance of the representation, moved by the petitioner, at the earliest. And appropriate orders, in accordance with law, would be passed, within a period of 8 weeks from today. Further, before any such orders are passed, all the stakeholders including the petitioner(s) would also be heard. And the petitioner(s) would be communicated the date and time to appear before the competent authority.

In the wake of the position, as sketched out above, the petitions are accordingly disposed of, in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the competent authority would consider the claim of the petitioner in the right earnest. And the appropriate orders shall be passed within the time indicated by learned Senior counsel for respondent No.3.

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 above, the authority shall examine the grievance of the petitioner(s), strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.02.2024
Manoj Bhutani

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