



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 18088 of 2024

Date of decision: 06.08.2024

Rajesh Madaan

.... Petitioner

Vs.

Punjab State Agriculture Mandikaran Board and others

.... Respondents

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

Present: Mr. Ashish Nagar, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Rajesh Madaan) has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of Mandamus directing the respondent No.1 to return/refund the whole paid amount with respect to the Shop No.9 at Fish Market, Amritsar, purchased by the auction purchaser Rajesh Madaan (Petitioner) vide auction conducted by the respondent No.1 on 30.08.2016 (Allotment Letter dated 29.09.2016 (Annexure P-1) along with interest and compensation for harassment; as the project has become unviable on account of the land being acquired by the respondents No.4 and 5 vide notification dated 17/04/2015 and 12/02/2019 (Annexure P-2 & P-3) respectively.”

Learned counsel for the petitioner submits that the Punjab State Agriculture Mandikaran Board (respondent No.1) conducted an auction on August 30, 2016 for allotment of shop in Fish Market, Amritsar. The petitioner, who participated in the auction, was adjudged H-1 and was accordingly issued a letter of allotment dated September 29, 2016 (P-1), whereby shop No.9 was allotted to him for a consideration of

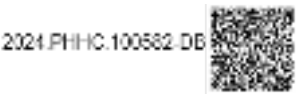
Rs. 13,80,000/-. He submits that, of the total premium, the petitioner had



remitted Rs.11,62,289/-. But, despite that, the respondents failed to deliver actual physical possession of the allotted site. In fact, he submits that the land upon which those sites were carved out, pursuant to the notifications dated April 17, 2015 (P-2) and February 12, 2019 (P-3), was acquired by the Department of Legal Affairs (respondent No.4) as also by the Ministry of Road Transport and Highway (respondent No.5). It is urged that even though years have rolled by, but owing to an apparent inaction at the end of the respondents, the petitioner has not been refunded the amount he had deposited. Accordingly, in the given circumstances, the petitioner is not only entitled to refund but also the interest and even the compensation for the undue harassment he has been subjected to. With reference to the letter dated December 21, 2020 (P-8) that was issued in compliance of the order passed by this Court on January 08, 2021 (P-7) in CWP No. 24408 of 2019 (**Avtar Singh and others vs. Punjab State Agriculture Mandikaran Board through its Secretary and others**), he submits that the allottees, who were identically circumstanced as the petitioner, were assured of the refund along with interest @ 12%. Reliance is also placed upon the order passed by this Court on December 11, 2023 in CWP No. 27693 of 2023 (**Baljeet Singh and another vs. Punjab State Agriculture Mandikaran and others**). Not just that, he submits that prior to the institution of this petition, the petitioner had even served the respondent authorities with a legal notice dated May 01, 2024 (P-5), but to no avail. Thus, he asserts that the rights/interest of the petitioner are severely impaired and he continues to suffer.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, Additional Advocate General, Punjab, is present in Court on behalf of respondents No.1 to 3, and Mr. Vibhor Bansal, Senior Panel Counsel for Union of India is present on behalf of respondents No.4 and 5.

At the outset, learned Additional Advocate General, Punjab, on instructions, submits, for the competent authority is already in seisin of the concerns/grievances of the petitioner, as set out in the petition, it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to deal therewith and pass necessary orders, in accordance with law. Further, he submits that before any such orders are



passed, the petitioner shall also be heard. And a formal communication in this regard will be issued to him, well in advance.

Learned counsel for the petitioner 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 shall be passed within two 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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

06.08.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No