



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19172-2024
Date of decision: 09.08.2024

Darshan KumarPetitioner

Versus

State of Haryana and othersRespondents

CWP-19168-2024

CharanjeetPetitioner

Versus

State of Haryana and othersRespondents

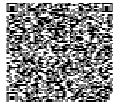
CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Gaurav Grover, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

For, learned counsel for the petitioner(s) submits that the matter in issue in both these petitions is identical, these are being disposed of by a common order and judgment. However, the facts are being derived from CWP-19172-2024.

The petitioner (Darshan Kumar) participated in an open auction held on 31.08.2001. Upon being adjudged the highest bidder, vide letter of allotment dated 12.12.2001 (P-1), he was allotted a shop No.17, Chilly/Cotton Mandi, Tohana, District Fatehabad. However, a notice was served upon him on 09.12.2009, for he failed to remit the balance 75% consideration. Being aggrieved, the said notice was challenged by him in an appeal before the Chief Administrator, Haryana State Agricultural Marketing Board, Panchkula, who, vide order dated 14.09.2011 (P-3), partially set aside the same. Accordingly, the Estate Officer-cum-Secretary, Market Committee, Tohana, was directed to re-



calculate all pending dues, and the petitioner was also required to deposit the requisite amount, within a month from the communication in this regard.

Learned counsel for the petitioner submits that the petitioner, pursuant to the allotment, had deposited 25% of the amount, i.e. Rs.2,63,000/-. And post decision of the appeal, as indicated above, he also cleared all pending dues. Further, he submits that the petitioner had even received the completion certificate dated 24.04.2012 (P-5), followed by a No Objection Certificate, (P-6), issued by the Sub Divisional Engineer, HSAMB, Tohana. However, he asserts that the petitioner had received a notice in the year 2019, as regards pending dues of Rs.1,57,800/-, which too were deposited on 08.02.2019. Thus, it is submitted that the petitioner is aggrieved by a notice dated 19.01.2024 (P-7), issued by the Secretary-cum-Executive Officer, Market Committee, Tohana (respondent No.4), vide which, he has been directed to deposit all pending dues towards the allotted site/plot and, in this regard, he could avail the benefit of 40% relaxation in interest and complete waiver of fine, under the Disputes Resolution-II Scheme. He asserts that the petitioner had already submitted his response, vide letter dated 02.04.2024 (P-8), wherein, he controverted the claim of the respondents, for he had already deposited all the dues, along with interest, and no amount is outstanding/due against him. Accordingly, it is urged that the impugned notice dated 19.01.2024 is apparently erroneous and unsustainable. However, he submits that upon his response (*ibid*), no order has been passed to date. So much so, even the legal notices dated 25.04.2024 (P-9 and P-10), the respondent authorities have been served with, have failed to evoke any response.

Served with the advance copies of the petitions, Mr. Ankur Mittal, Advocate, along with Ms. Kushaldeep Kaur, Advocate, for respondents No.2 to 4, is present in Court. At the outset, he submits, for the competent authority is already in seisin of the concerns/grievances of the petitioners, it would be expedient if these petitions are disposed of, at this stage, to enable the authorities to consider and pass necessary orders on their legal notices (*ibid*), in accordance with law. Further, before any



such orders are passed, the petitioners shall be heard, for which a formal communication shall also be issued, well in advance.

Learned counsel for the petitioner(s) is in agreement with the course suggested by learned counsel for the respondent-Board, and submits that let these petitions be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for the respondent-Board submits that appropriate orders, as indicated above, shall be passed within six 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 petitions are accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondent-Board.

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 earlier, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

09.08.2024

Ak Sharma _____