



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

**CWP No.5799 of 2018 (O&M)
Date of Decision :16.07.2024**

Ankur Narang and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

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

Present : Mr. Ish Puneet Singh, Advocate for the petitioners.

Mr. Jastej Singh, DAG, Punjab.

Ms. Manveen Narang, Advocate for respondent No.2.

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 for issuance of a writ in the nature of Mandamus directing the respondent No. 1 to 4 to make all correspondence with the petitioners in regard to any action pertaining to their Shop No. 102, 108, 111 and 92 respectively, situated in New Grain Market, Jalandhar, being owners of the said shops as the petitioners purchased the said shops vide registered sale deeds Annexures P-1 to P-4, but respondent no.5, who is a politician and transporter, wants to grab the said property as well as he is demanding illegal gratification and claiming that he will get the shops resumed and he will get the said shops vacated from the petitioners and he will purchase from the Mandi Township;

AND

Further, for issuance of a writ in the nature of Mandamus directing the respondents to give the petitioners



opportunity of hearing before taking any action in regard to the above said shops as the petitioners are legal owners, as there are 137 shops in existence and out of which, 97 shops are of the same nature but threatening has been given by respondent no.5 in connivance with the respondent authorities to evict the petitioners and resuming their rights without any reason.”

Learned counsel for the petitioners submits that the petitioners are subsequent purchasers from the original allottees for a valuable consideration. He submits that certain violations/deviations were alleged to have been caused in the allotted shops. Resultantly, vide order dated 09.10.2017, issued under Section 13(4) of Punjab New Mandi Township (Development & Regulation) Act 1960 (Act), the premises were ordered to be resumed. However, it is urged that these orders were, in fact, served only upon the original allottees, on 19.02.2018. He submits that although the petitioners had acquired right/title/interest in the premises but yet they were never served with the order of resumption. Thus, the petitioners were oblivious of any such order till the filing of the written statement by the respondents, for it was appended therewith. Thus, the petitioners, for the first time, acquired knowledge of the order of resumption upon being served with the copy of the written statement.

In response, learned State counsel submits that concededly the subject property stands resumed, vide order dated 09.10.2017, which was alleged to have been served upon the original allottees on 19.02.2018. And, if the petitioners, prior to the resumption, had acquired title thereto, they would still have to assail the said order. Accordingly, with reference to the provision



of Section 15 of the Act, he submits that the said order is appealable and, therefore, the petitioners be rather relegated to avail the remedy of appeal for redressal of their grievance. Particularly, as the order of resumption is not under challenge even in the present proceedings.

To this, learned counsel for the petitioners submits that the petitioners would avail the remedy of appeal, but the time period, within which the appeal was required to be filed under Section 15 of the Act, is long over. Though, they have been diligently pursuing the matter before this Court all through since 2018.

In response, learned State counsel submits that, in that event, the petitioners file an appeal, it would be open to them to claim the benefit as envisaged under Section 14 of the Limitation Act, 1963. And, accordingly, the Competent Authority shall examine the same in the right earnest and pass appropriate orders.

That being so, learned counsel for the petitioners submits that let the petition be disposed of in terms of the statement made by learned State counsel to enable the petitioners to avail the remedy of appeal under Section 15 of the Act.

Disposed of in the above terms.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

16.07.2024
Manoj Bhutani

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