



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 23064 of 2024

Date of decision: 12.09.2024

M/s Jain Concrete and Metal Industries and another

.... Petitioners

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Ajay Jain, Advocate,
for the petitioners.

ARUN PALLI, J (Oral)

A mandamus is prayed for to command the respondents to update the records reflecting the names of the petitioners as owners in possession of subject site (Plot Nos.45 and 46, Industrial Estate, Rewari). And, necessary corrections be also carried out in the web portal of the respondents.

Learned counsel for the petitioners submits that the subject plot was initially allotted to M/s Jayco Metals, vide letter of allotment dated February 21, 1986, for a consideration of Rs.1,18,222.22/-. However, the said site was subsequently purchased by the petitioners and a formal application dated December 06, 1991, was moved before respondents No.4 to 6 to transfer the same in their names. And, since the matter made no tangible progress, the petitioners as also the vendors were impelled to file a civil suit No.278 of 2007, which was eventually decreed on June 13, 2011:

“It is observed that the suit filed by the plaintiffs is accordingly decreed. The impugned orders dated 27.04.1999 and 15.08.1998 are null and void. No reasonable opportunity was given. Looking to the nature of the case, this court considered it appropriate to direct the defendants to accept the money due, if any with interest from the plaintiffs and to decide transfer application of the plaintiffs within a period of sixty days and in case any transfer charges are still due, the plaintiffs be given reasonable opportunity to deposit the same



with interest. If the plaintiffs fails to deposit amount in that eventuality the defendants can resort the weapon of resumption. Hence the suit of the plaintiffs is accordingly decreed with no order as to costs.”

It is submitted that despite having suffered a decree, referred to above, the authorities had failed to transfer the said site in the names of the petitioners. As a result, the petitioners initiated execution proceedings against the respondents, which eventually were disposed of on October 15, 2018 as satisfied, as vide memo No.4516 dated October 15, 2018, re-allotment letter, as regards the plot Nos.45 and 46, Sector 11, Rewari, was issued in favour of the petitioners-decree holders. He asserts that the limited grievance that the petitioner has is: that even though the decree as also the order passed by the Executing Court, referred to above, have attained finality, the authorities have failed to record the petitioners as owners of the subject site as also on the PPM portal. So much so, in response to the legal notice dated November 21, 2023 (P-6), the authorities were served with, the respondents-HSVP has submitted that since the subject site has since been transferred/handed over to HSIIDC (respondent No.2), vide memo dated February 22, 2021, nothing was required to be done at the end of the said respondents. Thus, this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana with Ms. Kushaldeep Kaur, Advocate, is present in Court, on behalf of the respondents-HSIIDC, and Mr. Deepak Sabharwal, Advocate is present on behalf of the respondents-HSVP. At the outset, learned counsel for the respondents-HSIIDC, upon instructions, submits, for the Estate Manager, Industrial Estate, Rewari, HSIIDC, is already in seisin of the concerns/grievances of the petitioners, it would be expedient, if the petition is disposed of, to enable the respondent authorities to pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioners, through its authorized representative, shall also be heard. And, a formal communication in this regard will also be issued, well in advance.



Learned counsel for the petitioners is agreeable to the course suggested by the learned counsel for the respondents-HSIIDC and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that as a considerable time has already elapsed, the ends of justice requires that the orders, as submitted by the learned counsel for the respondents-HSIIDC, are passed within a specified time.

To this, learned counsel for the respondents-HSIIDC submits that the necessary orders in this regard 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 counsel for the respondents-HSIIDC, 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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

12.09.2024
deepak

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