

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

Sr. No.109

**LPA-1469-2023 (O&M)
Date of decision : 15.04.2024**

Manpreet Kaur

..... Appellant

VERSUS

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Ms. Rupinder Kaur Thind, Advocate, for the appellant.

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

Mr. Raman Sharma, Advocate, for respondents No.2 and 3.

Mr. Jagdish Manchanda, Advocate and
Mr. Nischal Manchanda, Advocate, for respondent No.6.

ANUPINDER SINGH GREWAL, J. (Oral)

The appellant has challenged the order of the Single Bench dated 05.09.2023 whereby the petition preferred by the petitioner for cancellation of Letter of Intent and No Objection Certificates issued to respondent No.6 for allotment of retail outlet, was dismissed.

2. Learned counsel for the appellant submits that the application of the appellant ought to have been considered in the Group-I category as it was complete in all respects. The land which was offered by the appellant was jointly owned by her alongwith her family members including her father-in-law. Merely because the consent of the other co-owners had been furnished later would not oust the appellant from consideration. She has referred to Clause 4 of Note 4 of Brochure - Selection of Dealers for Regular and Rural Retail Outlets dated 24th November, 2018 (Annexure P-3) in support of her submissions.

3. Heard.

4. Respondent No.1 had issued an advertisement for allotment of retail outlet under Group-I in the Scheduled Caste category. The last date for submission of the application was 24.12.2018. The appellant had sent her application on 19.12.2018 for consideration in Group-I which is applicable where the land is in ownership of the applicant or owned jointly with the family members. The same is reproduced below:-

“4. Eligibility/Criteria for Individual applicants:

Group 1: Applicants having suitable piece of land in the advertised location/area either by way of ownership/long term lease for a period of minimum 19 years 11 months or as advertised by the OMC.

Group 2: Applicants having Firm Offer for a suitable piece of land for purchase or long term lease for a period of minimum 19 years 11 months or as advertised by the OMC.

Group 3: Applicants who have not offered land in the application.

Applications under Group 3 would be processed/advised to offer land only in case no eligible applicant is found or no applicant get selected under Group 1 & 2.

In case land offered by all the applicants under Group 1 & Group 2 is found not suitable/not meeting requirements; then these applicant/s under Group 1 &

Group 2 alongwith applicants under Group 3 (who did not offer land along with application) would be advised by the OMCs to provide suitable land in the advertised location / stretch, within a period of 3 months from the date of issuance of intimation letter to them through SMS/e-mail. In case the applicant fails to provide suitable land within the prescribed period or the land provided is found not meeting the laid down criteria, the application would be rejected”.

5. The appellant had applied for the allotment of retail outlet vide application dated 19.12.2018 but the consent letter of the co-owners in the form of affidavit for allotment in favour of the appellant was not appended alongwith the application on that date.

6. The counsel for the appellant has relied upon Clause 4 Note 4 to submit that the period of 21 days is provided to submit the requisite documents. However, in Clause 4 Note 4, it is stipulated that if the application is complete in all respects, the period of 21 days could be given to the ‘selected applicant’ to provide rectified/corrected documents after rectifiable deficiency. It is apt to notice that in the instant case application of the appellant was rejected as it was not complete as on date of the application the confirmatory letter in terms of the Clause (h) of ‘Eligibility/Criteria of Individual Applicants’ had not been appended. At the time of the scrutiny of documents by respondents No.2 and 3, it had surfaced that the applicant submitted the documents including the consent letter in

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form of affidavit from her father-in-law and other co-owners but those consent letters were dated 31.12.2018 and 01.02.2019 which were after the last date for the application i.e. 24.12.2018.

7. It is manifest that the appellant had not been considered in Group-I category but her candidature had been considered in Group-III category which was intimated to the petitioner via e-mail dated 06.02.2019 (Annexure P18). The petitioner did not take any action for 02 years and it was only in 2021 that the petitioner filed the writ petition challenging the candidature of selected candidate-respondent No.6.

8. In view of the aforementioned facts and circumstances, we do not find any illegality in the order passed by the Single Bench dismissing the writ petition.

9. Consequently, the appeal stands dismissed.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

15.04.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No