



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 25899 of 2024

Date of decision: 29.10.2024

M/s Triple-M Institute of Study Material & Online Classes Pvt. Ltd.
.... Petitioner

Vs.

State of Punjab and others Respondents

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

Present: Mr. Rajiv Dhawan, Advocate
for the petitioner.

Mr. Shekhar Verma, Addl. A.G. Punjab.

ARUN PALLI, J (Oral)

The petitioner (M/s Triple-M Institute of Study Material & Online Classes Pvt. Ltd.) has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226 of the Constitution of India for the issuance of an appropriate Order, Direction or Writ, especially in the nature of:

Certiorari, thereby quashing the Impugned Order dated 29.08.2024 (P-6) passed by the respondent no.3, being illegal, arbitrary, perverse and against the settled canons of natural justice;

Mandamus, thereby directing the respondents to refund the amount of Rs.1,17,44,345/- (One Crore Seventeen Lakhs Forty-Four thousand three hundred Forty-five rupees only) alongwith 18% penal interest, from the date of deposit, for causing huge financial losses as well as mental harassment to the petitioner, in the interest of justice;”

Learned counsel for the petitioner submits that respondents No.2 and 3 had conducted an auction on July 07, 2021, for allotment of certain sites/plots. Accordingly the petitioner, who had participated in the



said auction, was adjudged as the highest bidder (H1), for it had submitted a bid for Rs.1,21,86,090/-. Resultantly, SCO No. 11 measuring 130 square yards was allotted to it vide letter of allotment dated September 06, 2021 (P-4). He submits that the limited grievance that the petitioner has is: even though years have rolled by, but neither the authorities have delivered actual physical possession of the allotted site, to date, nor refunded the amount. Faced with these circumstances, the petitioner had approached this Court vide CWP No. 5192 of 2024, which was disposed of on March 13, 2024, on the statement of learned counsel for the respondents that, as the competent authority was already in seisin of the concerns/grievances of the petitioner, the matter be disposed of to enable the authorities to pass the necessary orders. However, he submits that the respondents, in compliance to the order passed by this Court, have since rejected the claim of the petitioner vide impugned order dated August 29, 2024. He submits that apparently, the reasons that formed basis of the impugned order, are palpably erroneous, for it is recorded that possession of the allotted site could not be delivered to the petitioner as an order of status quo, granted by the Supreme Court on March 18, 2024, was in operation. And, therefore, the amount deposited by the petitioner could not be refunded either. It is submitted that, in fact, Civil Suit No. 9295 of 2019 (**Sukhwinder Singh vs. Kartar Singh and others**) is pending before the civil court at Ludhiana, wherein, the plaintiff claims to be the owner of 1/4th share in the land measuring 18 Bigha 1 Biswa and 9 Biswani, comprised in specific khasra numbers situated in village Daad, Tehsil and District Ludhiana, on the basis of the Will executed in the year 1992. And, he has also sought a declaration that mutation in favour of one Gurcharan Kaur @ Charan Kaur, on the basis of natural succession, was erroneous and void. It is submitted that Gurcharan Kaur @ Charan Kaur had executed the sale deed in favour of Greater Ludhiana Area Development Authority (GLADA), qua land measuring 8 acres, which had since been utilized by the authorities for a housing project. He asserts that the application moved by the plaintiff under Order 39 Rules 1 and 2 of CPC was rejected by the trial court on April 16, 2021. Similarly, even the appeal preferred against the said order was dismissed on August 18, 2021.

However, the Civil Revision No. 2902 of 2021, preferred by the plaintiff



before this Court, was disposed of by the learned Single Judge, with certain observations, vide judgment and order dated February 28, 2023. But, aggrieved by the said order, defendants filed Special Leave Petition (No.10175 of 2023) before the Supreme Court, in which, initially order of status quo, dated March 18, 2024 was passed. And, now the matter has finally been disposed of vide order dated October 18, 2024:

“Heard learned senior counsel for the respective parties at length. We are of the opinion that since the respondent(s) – plaintiff (s) have failed to make out a prima facie case before the Trial Court as well as the Appellate Court, there is absolutely no occasion for the High Court to have granted such a relief to the respondent(s)-plaintiff(s) without having gone into the essential aspects of the prima facie case in favour of the respondent (s) – plaintiff (s). For this reason alone, the order dated 28.02.2023 cannot be sustained. We allow the appeal and set aside the order dated 28.02.2023 passed by the High Court.

Since respondent (s)- plaintiff (s) are claiming right only on the one-fourth of the property which is presently not a part of the project, in case any third-party interests are created on that one-fourth of the property or any construction is made, the appellant (s) – defendant (s) shall inform the respondent(s)- plaintiff (s) as well as Court concerned with two weeks prior notice/as early as possible.

4. Under the peculiar facts and circumstances of the case, we also request the Court concerned to dispose of the suit as far as possible within six months from today, possibly on a day-to-day hearing.”

Accordingly, learned counsel for the respondents submit, the authorities can deliver actual physical possession, free from all encumbrances, of the subject site/plot, to the petitioner forthwith. Further, it is submitted that the petitioner also has the option to even seek refund of the entire amount deposited.



In response, learned counsel for the petitioner submits that apparently, the petitioner is a victim of negligence and insensitive approach of the respondent authorities, for the property, that was a subject matter of dispute before the civil Court, was put to auction and the petitioner was kept in dark all through. And, that being so, it is urged that the petitioner would rather require the respondent authorities to refund the entire amount that was deposited with interest, without any further delay.

To this, learned counsel for the respondents submits that the requisite amount deposited by the petitioner, with up to date interest, from the due date, would be refunded, within three weeks from today. He submits that let the petition be disposed of, to enable the competent authority to work out the amount the petitioner is entitled to be refunded, with interest, from the date the petitioner would be entitled to. Further, he submits that before any formal orders are passed in this regard, the petitioner shall also be heard, for which a formal communication would be issued, well in advance.

Learned counsel for petitioner is agreeable to the course suggested by the learned counsel for the respondents and submits that let this petition be disposed of in terms of the statement made by him.

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.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

29.10.2024
deepak

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