

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC:048709



CWP-6782-1999 (O&M)
DATE OF DECISION : 08.04.2025

KASHMIR SINGH (SINCE DECEASED) THROUGH LRS AND
ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Ravi Gakhar, Advocate and
Mr. Sagar Aggarwal, Advocate for the petitioners.
Mr. Brijesh, AAG, Punjab.
Mr. H.S.Bedi, Advocate for respondent No.4-Society.

* * *

LAPITA BANERJI, J. (ORAL)

1. Prayer in the present petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus/prohibition restraining the respondents from selling the land of the petitioners till an opportunity of hearing is afforded to them and after complying with the provisions of law.

2. It appears from the record that the petitioners were required to satisfy the awarded amount of Rs.2.70 Lakhs pursuant to the award dated May 31, 1999. The land of the petitioner No.1 (since deceased) was auctioned on May 19, 1999 by the Sales Officer as the petitioners have been alleged to have embezzled the funds of the respondent No.4-Society. The amount due and payable by the petitioners were Rs.2.70 Lakhs whereas the

land of the petitioner No.1 was sold for Rs.3.73 Lakhs.

3. The petitioner No.1 (since deceased) affirmed an affidavit on April 18, 1999 whereby he had acknowledged that in the event, the land was sold for more than Rs.2.70 Lakhs, the surplus amount upto Rs. 50,000/- would be paid to one Gurdeep Singh since a chunk of petitioner's land stood mortgaged with him. Furthermore, it was indicated that in the event there was any balance excess amount remaining from the auction price, the said amount should be adjusted against the loan accounts of the father, mother and uncle of the said petitioner as the petitioner was liable to pay 50% of the amount due and payable by them pursuant to the arbitration award.

4. The said affidavit dated April 18, 1999 (Annexure R-4/1) was affirmed by the petitioner No.1 in the presence of the witnesses.

5. Learned counsel appearing on behalf of the Co-operative Society-respondent No.4 has handed over documents in Court to show that out of the said sum of Rs. 3.73 Lakhs, Rs. 2.70 Lakhs were adjusted towards the petitioners' dues and a sum of Rs.50,000/- was paid to one Gurdeep Singh mentioned in petitioner No.1's affidavit. Furthermore, the remaining amount of Rs.52,566/- was adjusted towards the amount payable by the family members of the petitioner following the instructions in the affidavit dated April 18, 1999. Therefore, no further prayer on the same ground can be entertained at present by the Court.

6. Learned counsel appearing on behalf of the petitioners submits that he has no instructions as to whether after adjusting the amount of Rs.2.70 Lakhs, the remaining amount from the auction sale was disbursed as per the instructions in the affidavit dated April 18, 1999.

7. This Court has heard the learned counsel for the parties and

perused the material on record.

8. This Court is of the opinion that the present writ petition has become infructuous since the prayer was for restraining the respondent-authorities from selling the land in auction purchase without affording an opportunity of hearing to the petitioner or without complying with the provisions of law. Admittedly, the land was sold wayback on May 19, 1999 in the presence of the petitioner No.1 (since deceased). The petitioner No.1 affirmed the said sale. The petitioner No.1 also affirmed an affidavit stating how the sale proceeds were to be distributed. Therefore, nothing further remains to be adjudicated in the present writ petition.

9. Accordingly, CWP-6782-1999 is **disposed of** without any further orders.

10. The legal representatives of the writ petitioner No.1 were already brought on record vide order dated March 25, 2025. No further orders are needed to be passed.

11. Connected applications, if any, are also accordingly disposed of.

08.04.2025

Janki

(LAPITA BANERJI)
JUDGE

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