

---

**(1995) 01 P&H CK 0038**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Letters Patent Appeal No. 769 of 1993

Patiala Improvement Trust

APPELLANT

Vs

Kartar Singh

RESPONDENT

---

**Date of Decision :** 10-01-1995

**Acts Referred:**

Constitution of India, 1950 — Article 226, 227

**Citation :** (1995) 110 PLR 585

**Hon'ble Judges :** S.P. Kurdukar, C.J.; Swatanter Kumar, J

**Bench :** Division Bench

**Advocate :** Jasbir Singh, for the Appellant; Kanwarjit Singh, for the Respondent

---

## **Judgement**

S.P. Kurdukar, C.J.—This Letters Patent Appeal is directed against the judgment and order and March 15, 1993, passed by the learned Single Judge in Civil Writ Petition No. 11390 of 1992. The learned Single Judge allowed the writ petition filed by the respondent and gave certain directions with regard to the sale of shops-cum-flats bearing sites Nos. 1 and 2 situated at Patiala.

2. During the course of hearing of this L.P.A. some legal difficulties have cropped up and as a result thereof instead of resolving the disputes between the parties it will add to further litigation. Shops-cum-Flats site Nos. 1 and 2 admittedly belong to the Patiala Improvement Trust, Patiala, the appellant. These two plots are situated at Shaheed Sewa Singh Thikriwala Nagar, Patiala. The terms and conditions of the auction are Annexure P-I. On 26.6.1992, both the plots were put to auction and the respondent writ petitioner offered highest price for both these plots. Plot No. 1 was purchased by the respondent-writ petitioner for Rs. 2.40 lacs whereas Plot No. 2 for Rs. 2.01 lacs. On 6.7.1992 the appellant-trust passed a resolution disapproving the said auction sale. The respondent - writ petitioner filed Civil Writ Petition No. 11390 of 1992 challenging the action of the appellant-Trust. The writ petition was admitted but no stay was granted to the respondent - writ petitioner. The appellant trust re-auctioned both the plots on 23.1.1993 and Plot No. 1 was sold for Rs. 3,12,000/- and Plot No. 2 for Rs.

3,07,000/-. It is not disputed that both these plots were purchased by two other auction-purchasers and not by the respondent writ petitioner.

3. During the course of hearing of the writ petition, it appears that respondent writ petition, it appears that respondent-writ petitioners offered higher price and the learned Single Judge accepted the said offer and directed the appellant-trust to sell both these plots to the respondent-writ petitioner. This was with a view to avoid further litigations and complications.

4. It is admitted position that the second auction purchasers of both the plots were not impleaded as parties to the writ petition. The rights, prima facie, appeared to have accrued to the two auction-purchasers and unless they are impleaded and heard in the writ petition, it will not be proper to adjudicate upon the rights of the respondent-writ petitioner as well as two other auction purchasers. It is in these circumstances that we are constrained to set aside the impugned judgment and remit the matter back to the learned Single Judge.

5. The appellant-trust shall provide the names and addresses of the second auction-purchasers to the respondent petitioner counsel within two weeks from today. The respondent-petitioner will move an application for impleading them as a party. As soon as the newly added respondents are served, the matter will be placed before the Court for appropriate directions as regards the date of hearing. Having regard to the facts and circumstances of the case, it is desirable that the writ petition be disposed of within three months from the date it becomes ripe.

6. The impugned judgment dated 15.3.1993 is quashed and set-aside. The appeal is partly allowed and the matter is remitted back to the learned Single Judge for disposal in accordance with law. In the circumstances there will be no order as to costs.