
(1989) 11 P&H CK 0054
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3971 of 1985

Ram Lal

APPELLANT

Vs

State of Haryana and ors.

RESPONDENT

Date of Decision : 06-11-1989

Acts Referred:

Citation : (1990) PLJ 7 : (1990) 1 RRR 559

Hon'ble Judges : N.C.Jain, J

Advocate : Mr. Dinesh Ghai, Advocates., Mr. C.L. Ghai, Advocates for appearing Parties

Judgement

N.C. Jain, J. (Oral)

1. The petitioner has challenged the legality and validity of the order `passed by" the Financial Commissioner, Haryana, Annexure `P4" dismissing the revision petition under Section 33 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, and the order of the Chief Settlement Commissioner dated December 9, 1983, setting aside the auction in favour of the petitioner. The auction has been set aside by the Chief Settlement Commissioner by observing as follows :

"Please reauction after wide publicity and getting its reserve price fixed afresh."

2. The abovementioned order of the Chief Settlement Commissioner, in my view, deserves to be set aside on the short ground that the petitioner was not afforded any opportunity of being heard. No specific finding has been recorded regarding the illegality or irregularity in the conduct of sale. It has not even been specified in the order as to how no publicity was there. The learned counsel appearing for the State has argued that several complaints were filed by the bidders on the spot that the auction took place without demarcation of area and that is why it did not attract several bidders. No such reasoning has been given in the impugned order at the time of setting aside the auction. An amount of Rs. 7,025/ was deposited by the petitioner in the year 1975 when the land was auctioned in

the first instance in favour of the petitioner. The learned Chief Settlement Commissioner while passing a fresh order would consider whether the petitioner is entitled to the confirmation of bid or not. He would dispose of the matter by passing a wellreasoned and speaking order After granting opportunity to both the parties. In case the learned Chief Settlement Commissioner decides to confirm the auction, nothing more would remain to be done. However, if he decides not to confirm the auction, he would consider whether the petitioner is entitled to any interest on the amount so deposited as the possession of the plot continues to be with the department opposite

3. In the light of the observations made above, the writ petition is allowed and the impugned orders passed by the Financial Commissioner dated 16th MY, 1095 and the Chief Settlement Commissioner dated 9th December 1983 are set aside. The learned Chief Settlement Commissioner would decide the matter afresh within a period of three months from today after affording reasonable opportunity to the parties of being heard. No costs. A copy of this order be given Dasti.