
(2013) 12 P&H CK 0173
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 18224 of 2012

Ranjit Singh and Othes

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 16-12-2013

Acts Referred:

Citation : (2013) 12 P&H CK 0173

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Judgement

Rakesh Kumar Jain, J.—The petitioners have challenged the letter dated 04.09.2012 (Annexure P-8) passed by respondent No. 3 and communicated on 07.09.2012 by respondent No. 5. In brief, in a meeting held on 24.06.2012, a resolution was passed to auction the property in dispute. Accordingly, a public notice was given on 25.07.2012 about the date, time and place of auction. The petitioners participated in the auction after depositing the security of Rs. 1 lac against receipt and ultimately turned out to be the highest bidders and were issued allotment letters in pursuance to the resolution dated 06.08.2012 confirming the auction.

2. The grievance of the petitioners started when they received a letter of cancellation of the auction on the ground of some inquiry held by the Chief Vigilance Officer of the Local Government Department, Punjab. Basically, the case set up by the petitioners is that the impugned action has been taken without following the principle of natural justice much-less audi alteram partem. It is submitted that had there been a notice issued to them, the petitioners would have given reply thereto and then the respondents had the jurisdiction to pass any order as they deem fit.

3. On the other hand, learned counsel for the respondents-State has submitted that the impugned action has been taken by the respondents u/s 236 of the Punjab Municipal Act, 1911 because there has been a lot of bungling in the auction proceedings and the land which has been put to auction is the land of the

divider on the road. It is also submitted that there was an agreement to develop this site as a green belt. In this regard, he has also placed two photographs Annexures R-3/2.

4. Be that as it may, the facts remain that no notice was issued to the petitioners before the impugned action was taken. In view thereof, keeping in view the settled law that even the administrative orders cannot be passed without following the principle of natural justice, the present writ petition is hereby allowed, impugned orders dated 04.09.2012, communicated on 07.09.2012, are hereby set aside and respondent No. 1 is directed to serve a show cause notice upon the petitioners within 15 days from the date of receipt of certified copy of this order, to which the petitioners would file reply within 15 days and the final decision shall be taken by the respondents within a period of one month thereafter. Till the entire exercise is being done, the petitioners shall not raise any construction over the land in dispute.