Kuldip Singh Vs State of Punjab and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 29, 2013

Citation: (2013) 171 PLR 275

Hon'ble Judges: Surya Kant, J; R.P. Nagrath, J

Bench: Division Bench

Advocate: A.G.S. Dhillon, for the Appellant;

Final Decision: Dismissed

Judgement

Surya Kant, J.
The petitioner impugns the order dated 10.5.2013 (Annexure P-3) passed by third and fourth respondents whereby plot

No. 415 in Bhoglan Colony (Guru Arjan Dev Colony), Rajpura Town, District Patiala has been offered for allotment at the rate of Rs. 22,800/-

per sq. yard. The short grievance of the petitioner in the instant writ petition is that the allotment rate so determined by the Authorities in purported

compliance of the decision dated 7.1.2013 (Annexure P-2), rendered by this Court in a bunch of writ petitions including CWP No. 8149 of 2010,

(Renu Bala and others v. State of Punjab and others,) is wholly discriminatory and arbitrary as plots of similar size, namely, 100 sq. yards have

already been allotted through the same auction at the rate of Rs. 9300-9400 per sq. yard. The residential plots were auctioned by respondents

No. 3 and 4 on different dates in the year 2010. The petitioner was the highest bidder in an auction held on 9.6.2010 for plot No. 415, Guru Arjan

Dev Colony measuring 100 sq. yards. He offered the rate of Rs. 8400/- per sq. yard. The bid given by the petitioner and some other highest

bidders were not confirmed by the Competent Authority and all of them feeling aggrieved, approached this Court in a bunch of writ petitions which

were decided on 7.1.2013 with a direction to the Competent Authority to reconsider the matter in the light of the following observations:-

7] It may be seen from the enquiry report submitted by the State Government that no major irregularities in the conduct of the auction or rejection

of bids have been detected. However, fixation of the "benchmark" led the anomalous situation where on a later occasion, the bid of Rs. 30,900/-

was rejected while accepting the bid of Rs. 31,100/- for a similar plot. In such like cases, may be that the highest bidder could be asked to revise

and upgrade his offer above the benchmark.

8] XXX XXX XXX XXX XXX XXX XXX XXX XXX XXX

9] Since the State Government has not found any major irregularity in the conduct of auctions or in rejection of bids, we are of the considered view

that the Competent Authority-cum-Administrator of the Board can re-consider the whole matter pertaining to the subject auctions conducted on

different dates and wherever he finds that the revised offers given by the petitioners can be accepted without prejudice to the public interest, he can

accept such offers. Similarly, if it is found that the highest bids given by the petitioners need to be suitably revised, such an option can be given to

them. In case the Administrator is of the view that necessary approval from the higher authority is required for acceptance or rejection of bids after

reconsideration, he may refer the matter to such Competent Authority who shall take an appropriate decision in accordance with law.

10] We clarify that in case any plot which is subject matter of these cases has been re-auctioned or allotted to anyone else, such auction/allotment

shall remain unaffected. However, if the revised offer is accepted, desirability to allot alternative plot shall be explored.

11] XXX XXX XXX XXX XXX XXX XXX XXX XXX XXX.

2. In compliance to the above reproduced directions, the respondents have re-considered the matter and have offered allotment to petitioner at a

higher rate of Rs. 22,800/-. While determining the aforesaid rate of allotment, the respondents have pointed out that in a subsequent auction held

on 11.11.2010, the highest bid was of Rs. 19,000/- per sq. yard. After adding interest at the rate of 10% per annum, the respondents have

worked out Rs. 22,800/- as the allotment price in the year 2013 and accordingly have offered it to the petitioner.

3. The grievance of the petitioner, on the other hand, is that pursuant to the auctions made in the years 2009-2010, the allotments were made at

the rate of Rs. 9300-9400 per sq. yard. Hence, he cannot be discriminated with regard to the rate of allotment.

4. Having heard learned counsel for the petitioner, we are not inclined to interfere with the impugned offer. We say so for the reason that in a case

of allotment by open auction the respondents were required to determine the minimum reserved price only. The actual price is determined by the

market forces. Since it is not in dispute that in one of the auctions held in November, 2010, a similar size plot in the same locality was auctioned at

the rate of Rs. 19,000/- per sq. yard, the revised allotment price at the rate of Rs. 22,800/- fixed in the year 2013 cannot be said to be arbitrary or

unreasonable. Be that as it may, such a question falls within the domain of respondents No. 3 and 4 only. The plea of discrimination would have

attracted the attention of this court only if the respondents had offered allotments in the year 2013 at the old rates. Since, the offer at the new

rate(s) has been made to all uniformly, the plea of discrimination cannot be entertained.

5. The petitioner''s contention that the rate of allotment has to be determined as on 9.6.2010 when he participated in the auction, cannot be

accepted for the reason that the highest bid given by him was not confirmed nor it was approved by this Court while deciding the bunch of writ

petitions on 7.1.2013. The fact that this Court directed the respondents to re-consider and re-determine the allotment price, obviously means that

the rate of allotment was to be determined on the date of offer of allotment. In other words, respondents were obligated to determine the allotment

price as prevailing in the year 2013. Notwithstanding the observations made here-in-above, we leave it open to the petitioner to submit a

comprehensive representation to the Competent Authority for reconsideration of the rate of allotment and if there is any substance in his contention,

we have no reason to doubt that the Competent Authority shall give a sympathetic re-consideration to the whole issue. The petitioner, if so

advised, may deposit the allotment price, without prejudice to the decision to be taken on his representation.

Dismissed.