

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-13055-2015

Date of decision:- 19.08.2015

Vijay Kumar

...Petitioner

Versus

Chandigarh Housing Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Arun Takhi, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner is aggrieved by an order dated 06.08.2014 holding that his request regarding transfer of a residential tenement in his name cannot be acceded to as the same is not covered by the transfer policy on the basis of a Will. The petitioner has not annexed any policy. He states that he is not aware of any policy and was not made aware of a policy either. The petitioner further states that he was not afforded an opportunity of being heard and, therefore, could not meet any objection raised by the officer concerned. It is necessary that respondent No. 3 – Accounts Officer-III, Chandigarh Housing Board passes a reasoned order after intimating the basis on which he proposes rejecting the application for transfer.

2. It is made clear that this order ought not to be construed as a direction to respondent No. 3 to allow the application for transfer even if it falls within the policy. That will be for respondent No. 3 to decide. Needless to add that respondent No. 3 shall also have to comply with all other requirements such as giving due notice to all the other parties concerned such as the heirs and legal representatives of the deceased.

3. The impugned order is, therefore, quashed and the matter is remanded to respondent No. 3 for passing a fresh order with reasons.
4. The petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

19.08.2015
Amodh