

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15314 of 2015

Date of Decision: 29.7.2015

Adarshdeep Singh

....Petitioner.

Versus

UT, Chandigarh and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Vivek Goyal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the show cause notices dated 28.5.2015 (Annexure P-3) and dated 15.6.2015 (Annexure P-8) regarding cancellation of registration and allocation of flat under General Self Financing Housing Scheme, 2008 for not making the installments as per schedule of payment whereas full and final payment along with interest has been made. Further, a writ of mandamus has been sought directing the respondents to decide the representations, Annexures P-5, P-7, P-9 and P-10.

2. The petitioner vide registration No. GHS68-3BR-Bid-16, Form No. 27008 purchased a flat in question in the year 2008 in an open bid at ₹ 68 lacs from Chandigarh Housing Board. The bid for allotment of flat was opened on 26.6.2008 in which the petitioner was declared

successful under Assured Allotment (Sub Scheme-B) under General Self Financing Housing Scheme-2008 vide letter dated 22.9.2009 (Annexure P-1). Thereafter, Chandigarh Housing Board vide letter dated 18.11.2011 (Annexure P-2) made a demand of ₹ 13,04,255/- to be paid within 30 days and remaining in three installments. In pursuance thereto, the petitioner deposited ₹ 13,04,255/- within the stipulated period. Thereafter, the petitioner deposited ₹ 43,00,000/- on 30.1.2012 after taking loan from AXIS Bank whereas the first installment was due only on 17.5.2012. The petitioner deposited a sum of ₹ 6,00,000/- on 30.7.2012 and another amount of ₹ 2,00,000/- on 17.8.2012. In this way, he paid the total principal amount of ₹ 51,00,000/- towards the flat allotted to him and only interest amounting to ₹ 179979.42 was due towards the petitioners for the delayed payment. The possession of the flat was to be delivered by June, 2013 but till date no possession has been handed over to the petitioner. The petitioner received a show cause notice dated 28.5.2015 (Annexure P-3) for cancellation of flat for non-payment of installments in time and was directed to appear in person or through his representative before the Accounts Officer on 4.6.2015. The father of the petitioner sent a representation dated 3.6.2015 (Annexure P-4) for withdrawal of the show cause notice as the petitioner had made full and final payment of ₹ 68,00,000/- towards his flat. The representative of the petitioner appeared before the authorities on 4.6.2015 and submitted his calculation and he was asked that more than ₹ 17,00,000/- is due towards him despite of payment of full amount. The petitioner submitted a representation dated 8.6.2015 (Annexure P-5 Colly). Thereafter, the petitioner sought an information vide application dated 9.6.2015 (Annexure P-6) under the Right to Information Act, 2005

about the pending dues. He also deposited a sum of ₹ 3,24,500/- towards the arrears along with representation, Annexure P-7. Without considering the representations of the petitioner, the respondent-Department issued another show cause notice dated 15.6.2015 (Annexure P-8) for cancellation of registration and allocation of flat in question. The petitioner made a representation dated 18.6.2015 (Annexure P-9) to respondent No.4, but to no effect. Thereafter, the petitioner sent a legal notice dated 22.6.2015 (Annexure P-10) to respondents No.2 to 4, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 18.6.2015 (Annexure P-9) to respondent No.4 followed by the legal notice dated 22.6.2015 (Annexure P-10), but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 to take a decision on the representation dated 18.6.2015 (Annexure P-9) and the legal notice dated 22.6.2015 (Annexure P-10), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 29, 2015
gbs

(REKHA MITTAL)
JUDGE