

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15368 of 2015

Date of Decision: 30.7.2015

Krishan Lal Bansal

....Petitioner.

Versus

Chief Administrator, Chandigarh Administration and another

...Respondents.

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

PRESENT: Mr. Aman Bansal, 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 mandamus directing the respondents to restore the transfer letter of Press Site No. 63, Phase I, Industrial Area, Chandigarh.

2. Industrial Site No. 63 measuring 132.59 square yards, Industrial Area, Phase-I, Chandigarh was allotted to one Shri Tarlochan Singh vide allotment letter dated 14.7.1988 by respondent No.1. Said Tarlochan Singh had died on 21.10.2004. He had executed a Will dated 9.9.1988 in favour of the petitioner, who on the basis thereof, applied for transfer of the ownership which was transferred in his name by respondent No.2 vide letter dated 4.4.2008 (Annexure P-1). The legal heirs of Shri Tarlochan Singh had filed civil suit dated 18.7.2007 before the trial court who vide judgment and decree dated 19.7.2012 (Annexure P-2) dismissed the said civil suit. The legal heirs filed an appeal against

the said judgment and decree dated 19.7.2012. However, respondent No.2 vide letter dated 26.3.2013 (Annexure P-3) without any notice to the petitioner, withdrew the transfer letter on the basis of judgment and decree, Annexure P-2. The petitioner approached respondent No.1 who vide order dated 24.6.2013 (Annexure P-4) stayed the letter dated 26.3.2013 (Annexure P-3). The appellate court vide judgment and decree dated 16.10.2014 allowed the cross-objections filed by the petitioner and dismissed the appeal filed by the legal heirs of Shri Tarlochan Singh vide judgment and decree dated 16.10.2014. The petitioner vide letter dated 31.10.2014 (Annexure P-6) requested the respondents to restore the transfer letter in his name. Respondent No.2 vide letter dated 5.2.2015 (Annexure P-7) directed the petitioner to furnish one affidavit. In pursuance thereto, the petitioner submitted an affidavit dated 6.2.2015 (Annexure P-8) and the representation, Annexure P-9. The legal heirs of Shri Tarlochan Singh challenged the judgment and decree dated 16.10.2014 (Annexure P-5) by filing RSA No. 900 of 2015 which was dismissed by this Court vide judgment dated 29.5.2015 (Annexure P-10). Thereafter, the petitioner made a representation dated 14.7.2015 (Annexure P-11) to respondent No.2 for restoration of transfer of Press Site No. 63, Phase I, Industrial Area, Chandigarh, 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 representation dated 14.7.2015 (Annexure P-11) to respondent No.2, 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.2 to take a decision on the representation dated 14.7.2015 (Annexure P-11), 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 30, 2015
gbs

(REKHA MITTAL)
JUDGE