IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2448 of 2015
Decided on : 07.05.2015

Supriya Narula

. . . Petitioner

Versus

Chandigarh Housing Board

. . . Respondent

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

PRESENT: Mr. Inderjit Kaushal, Advocate for the petitioner.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep Singh Wasu, Advocate
for the respondent.

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AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of *Certiorari*, for quashing the impugned order dated 27th August, 2013 (Annexure P-8), passed by the respondent – Chandigarh Housing Board, rejecting the transfer of Dwelling Unit No. 2005/3, Sector 45-C, Chandigarh, in the name of the petitioner's late mother Sushil Dhingra.

2. Upon notice of motion having been issued, Mr. Parveen Chauhan, Advocate for Mr. Gagandeep Singh Wasu, Advocate, appears on behalf of the respondent and has produced an office order dated 07th April, 2015, whereby, a policy decision has been taken in pursuance to the decision of this Court in CWP No.27322 of 2013, titled as 'Kuldip Chand Pathania Vs. Chandigarh Housing Board and others', decided on 13th January, 2015, wherein, a direction for transferring the plot after the expiry of lock-in period had been issued. It has been recorded that transfer of the plot after lock-in period shall not be objected to on the ground that the documents for transfer were executed during lock-in period mentioned in the allotment letter. The lock-in period shall be in terms of the transfer policy. The office order dated 07th April, 2015, is thus:-

"In continuation of office order No. HB/AOI/SO(VII)-2012/2684 dated 29.02.2012 and in pursuance of Hon'ble High Court of Punjab and Haryana, at Chandigarh, decision dated 13.01.2015, passed in CWP No.27322 of 2013, titled as "Kuldip

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Chand Pathania Vs. Chandigarh Housing Board and others", a reference was made to the Sr. Standing Counsel, Chandigarh Housing Board for soliciting legal opinion in connection with this decision. The Sr. Standing Counsel, CHB has opined that the Judgement does not confer any right during the lock-in period. As such any transfer that takes place will be 'in presenti'. As long as there are no financial implications to the detriment of CHB, transfers may go ahead.

Therefore, it is hereby directed that all cases of GPA transactions, where GPA/SPA & Agreement to Sell/Will were executed on or before 11.10.2011, are permissible, whether the documents were executed within the lock-in period or beyond it. However, the transfer will be done only after the expiry of lock-in period and must be covered under the original GPA Transfer Policy framed by the Board vide its Agenda Item No. 270.5.1 in its 270th meeting."

3. The photocopy of the office order dated 07th April, 2015, issued by the Chandigarh Housing Board is taken on record.

4. In view thereof, learned counsel for the parties state that the instant writ petition may be disposed of as the petitioner can seek the relief in terms of office order dated 07th April, 2015.

5. Ordered accordingly and Annexure P-8 is hereby quashed. The respondent shall now take necessary steps in accordance with law, keeping in view the office order dated 07th April, 2015 and in case, any other condition is required to be complied with, the same shall be complied with by the petitioner. The needful be done within three months from the date of receipt of a certified copy of this order.

(AJAY KUMAR MITTAL)
JUDGE

(REKHA MITTAL)
JUDGE

May 07, 2015
J.Ram

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