

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6250 of 2015

Date of Decision: 6.4.2015

Savitri Bajaj

....Petitioner.

Versus

Haryana Urban Development Authority

...Respondent.

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

PRESENT: Mr. Adarsh Jain, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 decide the application dated 19.6.2014 (Annexure P-5) submitted by her for permission to transfer the plot as she wanted to sell the same.

2. As per the averments made in the writ petition, plot No. 1210, Sector 2, Urban Estate, Palwal measuring 135 square meters was initially allotted to Narender Singh Pawar vide allotment letter dated 19.2.1998 (Annexure P-1). The petitioner purchased the said plot and applied to the respondent for transfer and permission was granted. Re-allotment letter dated 25.2.1999 (Annexure P-2) was issued in her favour. Subsequently, deed of conveyance dated 16.11.2010 (Annexure P-3) was executed and registered by the respondent on 22.11.2010 in favour

of the petitioner. The possession was delivered by the respondent vide possession certificate dated 9.1.2008 (Annexure P-4). The petitioner submitted an application dated 19.6.2014 (Annexure P-5) to the respondent seeking permission to transfer the property. Since no action was taken on the said application, she sent reminders dated 1.8.2014 (Annexure P-6) and dated 6.8.2014 (Annexure P-7). Another reminder dated 10.12.2014 was sent vide acknowledgment dated 11.12.2014 (Annexure P-8) for permission to transfer the plot in question. The petitioner also submitted a deed giving particulars of plot, the present owner, the name of the transferor, the name of the transferee, the area of the plot along with pay order amounting to ₹ 5700/- being transfer charges duly attested by two witnesses which was not accepted by the respondent stating that the same would be submitted only after permission is granted. The petitioner submitted an application under Right to Information Act, 2005 for the state of her application but no reply was received. Thereafter, she sent a legal notice dated 18.1.2015 (Annexure P-10) to the respondent for permission to transfer the plot in question but to no avail. 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 an application dated 19.6.2014 (Annexure P-5) followed by reminders dated 1.8.2014 (Annexure P-6) and dated 6.8.2014 (Annexure P-7) but no response was received from the respondent. Thereafter, she sent a legal notice dated 18.1.2015 (Annexure P-10) to the respondent 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 the respondent to take a decision on the legal notice dated 18.1.2015 (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

April 6, 2015
gbs

(REKHA MITTAL)
JUDGE