

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

**CWP No.6653 of 2015
Date of decision: 9.4.2015**

M/s Sports Corner

.....Petitioner

Vs.

Union Territory, Chandigarh and another

.....Respondents

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

Present: Mr. R.S.Randhawa, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner has filed the present petition under Articles 226/227 of the Constitution of India seeking quashing of order dated 23.5.1975, Annexure P.3 passed by respondent No.2 - Estate Officer, UT Chandigarh resuming Site No.343, Industrial Area, Phase 1, Chandigarh allotted to the petitioner. Prayer has also been made for quashing the orders dismissing the appeal and the revision dated 13.10.2010 and 27.2.2012, Annexure P.1 and P.2 passed by respondent No.1 and 2 respectively.

2. A few facts relevant for the decision of the controversy

involved as available on the record of the case may be noticed. Site No.343, Industrial Area, Phase-1, Chandigarh was allotted to M/s Sports Corner through proprietor Smt. Sheel Kathuria vide allotment letter dated 18.7.1967, Annexure P.4. As per the terms and conditions of the allotment letter, the allottee could not transfer the rights in the site and building constructed thereon for a period of five years from the date of allotment. It came to the notice of the Estate Officer that the allottee had authorized one Shri Gurmail Singh as GPA to do all acts and deeds on its behalf. During the course of proceedings, Shri Gurmail Singh appeared before the Estate Officer and on 23.10.1974, he made a statement that he had purchased the plot in question from Smt. Sheel Kathuria whereas the allotment was made on 18.7.1967 which was after seven years of the order of allotment. Respondent No.2 passed the resumption order dated 23.5.1975 under Section 8A of the Capital of Punjab (Development and Regulation) Act, 1952 and further ordered to forfeit 10% of the price of the site solely on the ground that the allottee had transferred the rights in the site and the building constructed thereon to the petitioner Gurmail Singh (since deceased) within a period of five years which he could not have done. Aggrieved by the order, after more than three decades, the petitioner filed Appeal No.133 of 2007 before the Chief Administrator, UT Chandigarh which was dismissed by respondent No.1 on 13.10.2010, Annexure P.1. Still not satisfied, the petitioner filed revision petition before the Advisor to the Administrator, UT Chandigarh which was also dismissed vide order dated 27.2.2012, Annexure P.2. Hence the instant petition.

3. We have heard learned counsel for the petitioner.

4. Admittedly, the site in dispute was allotted to M/s Sports Corner vide allotment letter dated 18.7.1967 through its proprietor Smt. Sheel Kathuria. The allottee had authorised one Gurmail Singh as GPA to do all acts and deeds on its behalf. As per terms and conditions of the allotment letter, the allottee could not transfer the rights in the site and the building for a period of five years from the date of allotment. It has been categorically recorded by respondent No.1 in its order dated 13.10.2010, Annexure P.1 that neither Sheel Kathuria nor Gurmail Singh, GPA appeared before him. Even as per records of the Estate Office, no copy of GPA given by Mrs. Sheel Kathuria in favour of Gurmail Singh was available. Once that was so, there was no error in the impugned order declining the claim made by the petitioner. Learned counsel for the petitioner has not been able to show any illegality or perversity in the impugned order.

5. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

April 09, 2015
'gs'

(Rekha Mittal)
Judge