

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

**CWP No. 8828 of 2015
Date of decision: 27.7.2015**

Bimla Devi

.....Petitioner

Vs.

UT Chandigarh and others

.....Respondents

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

Present: Mr. Manoj Nagrath, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner seeks quashing of order dated 30.7.2014, Annexure P.6 cancelling the allotment of Tenement site No.720/24, Sector 26, Chandigarh in her favour and the order dated 9.3.2015 dismissing her appeal against the order dated 30.7.2014. Further prayer has been made for directing respondent Nos. 1 and 2 to allot the site in question to the petitioner.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. Ratti Ram was original

allottee of Tenement No.720/24, Bapu Dham Colony, Sector 26, Chandigarh under the Licensing of Tenements and Transits in Chandigarh Scheme, 1975, Chandigarh. Allotment letter was issued on 24.4.1979, Annexure P.1. The said scheme was subsequently repealed by Licensing of Tenements and Transits in Chandigarh Scheme, 1979. Maya Devi wife of Ratti Ram moved a request dated 17.3.1992 to the effect that her husband died on 25.4.1986 and disclosed the names of his legal heirs through an affidavit. After 23 years of allotment of the demised property, the petitioner purchased the same from Maya Devi vide agreement to sell dated 8.11.2002 on a consideration amount of ₹ 3,75,000/- and since then she is in possession of the same and using it for residential purpose. In addition to the agreement to sell, other documents were also executed by Maya Devi and her sons in favour of the petitioner. The possession alongwith original documents were also handed over to the petitioner. She is continuously depositing the fees with the Estate Officer, UT Chandigarh of the tenement in question. Maya Devi filed a civil suit No.89 of 22.8.2006 for possession against the husband of the petitioner before the trial court at Chandigarh which was dismissed vide judgment and decree dated 24.1.2014, Annexure P.4. After about eight years, respondent No.3 made false complaint with the Estate Officer, Chandigarh that she had only mortgaged the house in question and not sold the same to the petitioner on which no action was taken. After the dismissal of the civil suit, Maya Devi in connivance with some other persons and officials of Estate Office made frivolous complaints against the petitioner before the Estate Officer. Notice dated 16.5.2014 was received by the petitioner from the Estate Office, UT Chandigarh. A detailed representation dated 16.6.2014 was also filed by the petitioner

before the Estate Officer, Chandigarh. Respondent No.2 vide order dated 30.7.2014, Annexure P.6 cancelled the lease of the site on the ground that the lessee/LRs had parted with possession/subletted the tenement and thus violated the terms and conditions of the allotment. Aggrieved by the order, the petitioner filed appeal before respondent No.1 which was dismissed vide order dated 9.3.2015, Annexure P.7. Hence the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. A perusal of the allotment letter Annexure P.1 dated 24.4.1979 shows that in Clause 5, the condition mentioned therein reads thus:-

“5. The licensee shall not sublet or assign or otherwise part with possession of the tenement. The allotment in respect of tenement shall automatically revoke in case of non compliance.”

Admittedly, the site in question was originally allotted to Ratti Ram. As per terms and conditions of the allotment, the site could not be sublet/parted with. On inspection, it was found that the site was being sub-let/parted with to Gian Chand, husband of the petitioner who produced some papers showing that the site was sold by Maya Devi wife of original allottee to him. There was no registered conveyance deed in favour of the petitioner. Show cause notice dated 30.7.2014 was issued but no body appeared before the Land Acquisition Officer, UT Chandigarh and vide order dated 30.7.2014, Annexure P.6, the lease of the site in question was cancelled. The appeal against the said order was also dismissed vide order dated 9.3.2015, Annexure P.7 by the Chief Administrator, UT Chandigarh on the ground of violation of terms and conditions of the allotment letter.

5. Since in the present case, the site in question could not be sublet or assigned or parted with, the respondents have rightly cancelled the allotment. Moreover, even otherwise, in the absence of any registered

conveyance deed in favour of the petitioner, she has no valid claim to the said tenement No.720/24, Bapu Dham Colony, Sector 26, Chandigarh. We do not find any error in the action taken by the respondents. Learned counsel for the petitioner has not been able to produce any material on record to substantiate the claim made in the petition. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

July 27, 2015
'gs'

(Rekha Mittal)
Judge