

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17962 of 2011
Date of decision: 18.11.2016

Sanjiv Pandey

....Petitioner

Versus

UT Administration and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Gagan Geet Kaur, Advocate, for the petitioner.
Mr. Suvir Sehgal, Senior Standing Counsel with
Mr. Vikas Bali, Advocate for UT, for respondent Nos. 1 & 2.
Mr. Deepak Sharma, Advocate, for M.C. Chandigarh-respondent No.3.
Mr. M.L. Sarin, Senior Advocate with
Mr. Nitin Sarin, Advocate, for respondent Nos. 4 and 5.

AJAY KUMAR MITTAL, J. (ORAL)

1. Petitioner has approached this Court under Articles 226/227 of Constitution of India seeking a writ of Mandamus directing respondent No. 1 for initiating a high level enquiry in the matter of land and building worth of Crores belonging to Community Centre, Sector 27-B, captured by Chandigarh Press Club unauthorizedly and illegally.

2. In our order dated October 26, 2016 it was recorded that learned counsel for U.T. Administration had produced a letter written by the Finance Secretary to the General Secretary, Chandigarh Press Club, intimating that the land under use of the Press Club is being given @ ₹ 10,000/- per annum per Member with 10% escalation every three years.

3. Learned counsel for respondent Nos. 4 and 5 had pointed out today that in the order dated 26.10.2016 there has been a typographical error inasmuch as it has been recorded that ₹ 10,000/- per annum per Member instead of ₹ 1,000/- per annum per Member.

4. The order dated 26.10.2016 stands corrected and it shall now be read as ₹ 1,000/- per annum per Member with 10% escalation every three years instead of ₹ 10,000/- per annum per member.
5. It would be expedient to refer to order dated 19.05.2016 passed by this Court which reads thus:-

“On 06.10.2014, this Court had raised certain queries. The same have been replied by way of additional affidavit of Mr. Balbir Singh, PCS, Assistant Estate Officer, Chandigarh Administration. The queries raised and the information submitted in para 4 of the said affidavit are as follows:

Sr. No.	Requisite information	Information received from the concerned Department.
I.	An actual site plan of the building and land in possession of the Press Club with facilities therein demarcating the building of the Community Centre.	The Chief Architect has supplied the prints of the site plan of the building bearing drawing No. 1R2, Job No. 2070 dated 11.07.1980 indicating the Press Club building and Community Centre.The site plan is annexed as AA-1.
II.	Any document to show that the site plan of Press Club allotted to respondent No. 4 and 5 (i.e. Chandigarh Press Club/President, Chandigarh Press Club, Sector 27-B, Chandigarh)	It has been intimated by the engineering Department, Urban Planning Department as well as the Commissioner, Municipal Corporation that there is no document available with them on record to show that the site of Press Club was allotted to respondent No. 4 and 5. The Estate Office has not made any allotment of land to the Press Club Chandigarh. It is pertinent to mention here that office has already attached copy of Memo No. 798/Cptl/12/W2/120 dated 05.01.1982 with the written statement as Annexure R-1/4 vide which show that the Press Club Building Sector 27-B, Chandigarh had been handed over to the Secretary Chandigarh Press Club, Chandigarh on 01.01.1982 by Engineering Department, Chandigarh.
III.	Whether any method of allotment of public property was adopted or not?	This information is neither available with Estate Office nor has been supplied by the other concerned departments.
IV.	Whether the Administration has	As such the Administration has not handed over similar site or building to

	handed over similar site or building to any person or association of persons or any juristic entity in the manner the possession of the building has been handed over to Press Club.	anyone in the same manner as to the Press Club.
V.	Year-wise rate of the market rent of the building/site in possession of the Press Club since the year 1982.	It has been intimated by the Executive Engineer C.P. Division No. 3, Chandigarh vide memo No. 2235 dated 17.11.2014 that the year-wise rate of the market rent of the building/site in possession of the Press Club since the year 1982 is not available with them. However, the Chandigarh Administration vide memo No. 3471-UTFI (4)-99/10542 dated 20.09.1999 had conveyed its decision to allot the land earmarked by the Chief Architect and Secretary Department of Urban Planning Chandigarh to the Chandigarh Golf Association on monthly rent basis @ Rs.100/- per Golf Driving Range, which is located next to village Kishangarh along the dirty water overflow drain, for a period of five years on the terms and conditions as mentioned therein. In compliance thereof this office has allotted 6.87446 Acres to the Chandigarh Golf Association Chandigarh vide allotment letter dated 04.10.1999. True typed copy of the allotment letter dated 04.10.1999 is annexed as AA-2. Thereafter, the rent of the said land was revised by the Chandigarh Administration vide their memo No. 21/1/28-UTFI(3)/2007/5408 dated 27.08.2007 w.e.f. 03.10.2004 to 02.10.2009 @ 31104/- with 5% annual increase every month. True typed copy of the memo No. 21/1/28-UTFI(3)/2007/5408 dated 27.08.2007 is annexed as AA-3. Subsequently, the Chandigarh Administration vide their memo No. 21/1/128-UTFI(3)-2009/7691 dated 13.11.2009 further renewed the rent deed for a period of five years w.e.f. 03.10.2009 @ Rs.500/- per annum per member with annual increase of 5% every year. True typed copy of the memo No. 21/1/128-UTFI(3)-2009/7691 dated 13.11.2009 is annexed here as AA-4.

Learned counsel for the U.T. Chandigarh prays for time to submit some complete comprehensive plan either to regularize the allotment of land or to get it vacated.

List for hearing on 12.07.2016.”

6. A perusal of the said order shows that in terms thereof U.T. Chandigarh was either to regularize the allotment of land in favour of respondent Nos. 4 and 5 or to get it vacated. The U.T. Chandigarh vide communication dated 09.09.2016 addressed to Secretary, Chandigarh Press Club has regularized the allotment whereby they are required to pay ₹ 1000/- per annum per member with 10% escalation every three year as noticed herein before.

7. In view of the above, learned counsel for the petitioner states that writ petition may be disposed of by permitting the petitioner to challenge the said communication dated 09.09.2016 issued by the Finance Secretary to the General Secretary, Chandigarh Press Club, in accordance with law.

8. Disposed of accordingly. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to him in accordance with law.

10. Since the writ petition has been disposed of, the notice of contempt issued on 22.11.2011 shall stands discharged.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

18.11.2016
 jyoti iii

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No.
Yes/No.