

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.4285 of 2016.

Date of Decision: September 21, 2016

Indira

.....Petitioner

versus

State of Union Territory, Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: None for the petitioner.

Mr.Suvir Sehgal, Senior Standing Counsel for U.T. Chandigarh.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Suvir Sehgal, learned Senior Standing Counsel for U.T. Chandigarh, accepts notice on behalf of the respondents.

Let three copies of the writ petition be handed-over to him during the course of day.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The instant writ petition has laid challenge to the orders dated 21.07.2010 and 19.10.2015 whereby claim of the petitioner for transfer/re-allotment of tenement No.2234/1, Sector 37-C, Chandigarh has been rejected on the ground that she failed to establish her relationship with the original allottee, namely, late Babu Ram.

The finding of fact currently returned by the Allotting as well as the Appellate Authority is that the above-stated tenement was allotted to

one Babu Ram who unfortunately died leaving behind no legal representatives. The petitioner came forward claiming herself to be sister-in-law of late Babu Ram and relied upon an alleged declaration dated 10.03.2015 given by Gram Panchayat of village Umrana, District Maradabad (UP). That document having been found insufficient to establish the relationship, that the petitioner's claim has been rejected.

This writ petition has been adjourned time and again to enable the petitioner to place on record the material in support of her relationship with late Babu Ram. No such material has come forward. In any case, the above-stated issue being a question of fact only, it will be difficult for this Court to form a definite opinion in these summary proceedings in relation thereto. At the same time, if the petitioner falls in any of the category of legal heirs of deceased-Babu Ram, she might be entitled to transfer/ re-allotment of the tenement.

We thus dispose of this writ petition without expressing any views on merits by relegating the petitioner firstly; to approach the civil court or any other prescribed forum to obtain declaration that she is entitled to succeed the estate of late Babu Ram. If such a declaration is granted, the petitioner shall be at liberty to represent the respondent-authorities for re-consideration of her claim for the transfer/re-allotment of subject tenement.

Ordered accordingly.

[SURYA KANT]
JUDGE

September 21, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No