

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-19216-2017

Date of Decision: 28.8.2017

Ashwani Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. Barjinder Singh, Advocate for
Mr. Rakesh Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant writ 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 regularise his house for all intents and purposes in view of the order dated 7.10.2013 passed in CWP No. 1537 of 1987 or to decide the representation dated 7.11.2016 (Annexure P-5) moved by the petitioner in a time bound period.

2. One Sewa Singh sold the land measuring 36 kanal 10 marlas with all rights vide various registered sale deeds to 'the Ludhiana Chaudhary Cooperative House Building Society Limited. The said society carved out small plots out of the said land and transferred the same to the members/ shareholders of the society. In the year 1985, all the members of the society were confronted with the applications under Sections 4, 5 and 7 of the

Punjab Public Premises and Land (Eviction and Rent Recovery Act), 1973 filed by the State of Punjab to respondent No.2 for eviction of the members of the society from the unauthorized occupation of the public premises. The members of the society filed CWP-1537-1987 for quashing the notifications and this Court vide order dated 7.10.2013 (Annexure P-1) disposed of the said writ petition along with other petitions. One Janak Dulari wife of Shri Om Parkash was the member of the Society and holder of plot No.330 measuring 133/7/9 square yards. She submitted an affidavit dated 9.4.1988 (Annexure P-2) regarding the transfer of her plot and membership number in the name of the petitioner. In pursuance thereto, plot No.69 measuring 133/1/3 was allotted to the petitioner along with membership No. 552 vide allotment certificate dated 22.4.1988 (Annexure P-3). After the allotment of plot in the name of the petitioner, he constructed his house over the plot. His house was entered in the record of the society and he was paying the house tax regularly. Now, the respondents have started to proceed with the dispossession of the petitioner being the unauthorized occupant as he was not the petitioner in CWP-1537-1987. Although, the petitioner was not the writ petitioner in the said writ petition, but he has complied with all the directions issued by this Court and had also deposited the allotment charges of ₹ 6000/- per square yards for the allotment of plot. The said amount was deposited by the petitioner vide receipts (Annexure P-4 Colly). Even thereafter, the respondents wanted to dispossess the petitioner being unauthorized occupant in the disputed property. Accordingly, the petitioner moved a representation dated 7.11.2016 (Annexure P-5) to respondent No.2 for transfer of the plot in question in his name, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 7.11.2016 (Annexure P-5) to respondent No.2, 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 respondent No.2 to take a decision on the representation dated 7.11.2016 (Annexure P-5), 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 the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 28, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No