

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-396-2017

Date of Decision: March 27, 2017

Geeta Rani

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: None for the petitioner.

Mr.P.C.Goyal, Advocate
for Improvement Trust.

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SURYA KANT, J.

The petitioner seeks a direction to Improvement Trust, Sangrur (for brevity, 'the Trust'), to execute the sale-deed in respect of Plot No.75 measuring 150 sq.yards in the scheme known as 'Mansahia Nagar' at Sangrur.

[2] The above-stated plot was originally allotted to Yug Devi @ Rs.5,400/- per square yard. Yug Devi deposited the allotment price at the above-stated rate but meanwhile, the Trust enhanced the allotment rate and

demanded Rs.6,000/- per sq.yard. Yug Devi though deposited the enhanced rate of allotment but filed a claim before Lok Adalat, Sangrur for refund of the excess amount. Lok Adalat passed an order in her favour which is under challenge before this Court at the instance of the Trust in separate proceedings.

[3] Meanwhile, Yug Devi sold the plot to the petitioner and has applied to the Trust to transfer the same in petitioner's favour. The Trust has declined to execute the sale-deed in favour of the petitioner on the ground that dispute re: rate of allotment is pending between the Trust and the original allottee.

[4] The petitioner, on the other hand, has no objection against payment of the enhanced allotment price, i.e. @ Rs.6,000/- per square yard. In other words even if the Trust is required to refund the excess amount to Yug Devi, the Trust would not suffer any loss, for the petitioner who is the subsequent vendee, is willing to pay the balance towards allotment price @ Rs.6,000/- per square yard.

[5] Taking notice of the petitioner's stand that she is willing to pay the allotment price @ Rs.6,000/- per square yard, the Trust has been summoned.

[6] It is an admitted case that the petitioner has already deposited the additional price accepting the allotment @ Rs.6,000/- per square yard. Learned counsel for the Improvement Trust thus fairly concedes that there is no legal impediment against execution of sale-deed in favour of the petitioner at the above-stated rate.

[7] Let the needful be done within a period of one month from the date of receipt of a certified copy of this order.

[8] Disposed of accordingly.

(SURYA KANT)
JUDGE

March 27, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |