

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5733 of 2017.

Date of Decision: March 20, 2017

Ashok Kumar and another

.....Petitioners

versus

Chandigarh Administration and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Shekhar Choudhary, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners claim to have 'purchased' Cheap House No.2408, Sector 24-C, Chandigarh by way of GPA/SPA executed by the allottee on 23.05.1990. They further claim that the original allottee Baldev Singh had parted with possession in their favour and since the year 1990, they are actually residing in the above-stated house.

[2] This Court had an occasion to take notice of the fact that Chandigarh Administration cancelled the allotment in favour of Baldev Singh way back on 08.01.1992 on the ground that he had secured the allotment by filing a false affidavit. The order of cancellation attained finality and consequently, eviction orders were also passed against the legal heirs of late Baldev Singh. Baldev Singh's family members recently approached this Court by way of CWP No.4098 of 2017 (Harbans Kaur and another versus Chandigarh Administration and others) which has also been dismissed by us vide order dated 01.03.2017.

[3] The petitioners filed the instant writ petition alleging that they are in possession of the house since the year 1990. They are also said to

have filed statutory appeal before the Advisor, Chandigarh Administration as late as in the year 2017 against the order of cancellation dated 08.01.1992.

[4] The petitioners are also said to have filed a separate appeal before the learned District Judge, Chandigarh, under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 against the eviction order dated 08.01.2015 which is now listed for hearing on 30.03.2017. Apprehending their eviction meanwhile that they have filed the instant writ petition.

[5] Since the petitioners have applied for condonation of delay in appeal now listed for hearing on 30.03.2017 after notice and learned District Judge is seized with the matter, we decline to entertain this writ petition on merits and dispose of the same with a direction that in case the Enforcement Staff finds that the petitioners with their family-members are actually residing in the subject-house, no action for 'sealing' the house shall be taken till such time the District Judge passes an order on the application for condonation of delay and the stay application. It is clarified that this order shall not be treated as an expression of opinion on the merits of the case. The learned District Judge, Chandigarh shall make an endeavour to decide the appeal at the earliest and preferably within a period of two months.

Ordered accordingly. Dasti.

[SURYA KANT]
JUDGE

March 20, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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