

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.15437 of 2018

Date of Decision: July 02, 2018

Chhavi Lal

.....Petitioner

versus

Union Territory Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.R.N.Maurya, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner (Chhavi Lal) was allotted a dwelling unit by Chandigarh Housing Board in Village Mauli Jagran, U.T. Chandigarh on 11.04.1993 for residential purposes on hire-purchase basis. The allotment was made under a scheme to rehabilitate the *Jhuggi* dwellers. The allottee was found to have mis-used the dwelling unit by converting it to Fruit and Vegetable shop. A show cause notice was issued on 11.07.2006 and after considering the explanation in which the allottee did not dispute the factum of mis-use of the dwelling unit, the allotment was cancelled on 22.03.2007. The allottee filed appeal which was dismissed and same was the fate of his revision petition which was dismissed by the Advisor to the Administrator, U.T. Chandigarh on 04.10.2012.

It appears that the original allottee (Chhavi Lal) transferred/sold the site through General Power of Attorney in favour of Bhola Nath through whom the instant writ petition has been filed. The allottee through Bhola Nath filed two review petitions before the Advisor to Administrator, U.T. Chandigarh. The 2nd review petition No.12 of 2014 was dismissed on

after almost four years.

We have heard learned counsel for the petitioner and are of the view that in the absence of specific denial of mis-use of the dwelling unit, the impugned orders do not call for any interference. Even if the inordinate delay in approaching the Court is over-looked owing to the social and financial condition of the original allottee or the GPA holder, we are of the view that so long as the site is mis-used for a purpose other than for which it was allotted, this Court would not interfere with the impugned orders.

Faced with this, learned counsel for the petitioner submits that Chandigarh Housing Board has now evolved some policy under which the dwelling units are allowed to be converted into commercial purposes and the GPA holder of the petitioner has also applied for the same on 29.05.2018 (P-10).

In this regard, we do not express any views and leave it open to the petitioner and his GPA holder to pursue that application before the authorities in accordance with law.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

July 02, 2018
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(SUDIP AHLUWALIA)
JUDGE

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