

Gurbax Singh
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 18857 of 2017
Date of decision: 08.3.2018**

**Welfare Association of 400 One Room Flats (EWS) Housing Scheme-
2006, Sector 49-D, Chandigarh**

.....Petitioner

Vs.

The Chandigarh Housing Board and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Rajinder Goyal, Advocate for the petitioner.
Mr. Arjun Sharma, Advocate for Chandigarh Housing Board.
Mr. Nitin Kaushal, Advocate for Chandigarh Administration.

Ajay Kumar Mittal,J.

1. Prayer in this petition filed under Articles 226/227 of the Constitution of India is for a direction to the respondents to execute and register the Conveyance Deed in favour of the allottees of the 400 One Room Flats (EWS) Housing Scheme 2006, Sector 49-D, Chandigarh wherein 400 one room flats were allotted on free hold basis and conveyance deed is not being executed by the respondents inspite of having received the entire sale consideration and even issuance of No Due Certificates in favour of the allottees.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The authorised signatory-Satish Kumar Yadav is the Secretary of the Welfare Association of 400 One Room Flats (EWS) Housing Scheme 2006, Sector 49-D, Chandigarh and one

of the allottees. In the year 2006, Chandigarh Housing Board-respondent No.1 framed a scheme for allotment of 688 one room flats in Sector 38(West) and Sector 49, Chandigarh for Economically Weaker Sections on freehold basis. Applications were invited for allotment of the above mentioned flats on free hold basis. In response thereof, the members of the association applied for allotment of one room flats as they fulfilled all the conditions laid down in the scheme. Draw of lots was held on 26.4.2006 and the members were allotted the flats being eligible as per the terms and conditions of the allotment. Acceptance-cum-demand letter was issued by respondent No.1 to the allottees on 31.10.2006. Allotment letter of dwelling units was issued to the allottees by the respondents on 12.10.2009. Possession was also delivered to the allottees. According to the petitioner, after receipt of full and final payment of the respective dwelling units, the respondent Board had issued the No Due Certificates to the allottees. Thereafter, respondent No.1 had to execute and register the conveyance deed regarding the flats in question in favour of the allottees. When the conveyance deed was not executed, the petitioner Association through its President filed representation dated 1.6.2015, Annexure P.1. Having received no response, the petitioner again sent a representation dated 20.8.2015, Annexure P.2. Similar representations were also given by the allottees of the Dwelling Units of Sector 38(W3est), Chandigarh. Thereafter, respondent No.1 sent a letter dated 8.10.2015 to respondent No.3 stating that copy of conveyance deed executed between Chandigarh Housing Board and Estate Office, UT Chandigarh be supplied to respondent No.3 so that conveyance deed of the flats in question can be executed in favour of the allottees. When the respondents were not taking any action, the President of the petitioner association again filed a representation dated 14.12.2015, Annexure P.4. According to the respondent, no time limit

for execution of conveyance deed has been prescribed as per the brochure as well as the allotment letter. The petitioner association sought information through RTI on 12.3.2016 in this regard. It was intimated that no time limit is prescribed for execution of conveyance deed. However, the matter was under consideration. Thereafter, inspite of various representations made by the petitioner, no action was taken regarding execution of conveyance deed. Ultimately, the petitioner gave a legal notice dated 14.7.2017, Annexure P.15, to the respondent-Board. When nothing was done, the petitioner approached this court through the instant writ petition.

3. We have heard learned counsel for the parties.

4. Undisputedly, Chandigarh Housing Board framed a scheme for allotment of 688 One room flats in Sector 38(West) and Sector 49, Chandigarh for Economically Weaker Sections in the year 2006. Accordingly, applications were invited for allotment of the above mentioned flats on freehold basis. The members of the petitioner association being eligible as per terms and conditions mentioned in the brochure applied. Draw of lots was held on 26.4.2006. The members of the association were allotted the flats. Acceptance-cum-demand letters were issued to them on 31.1.2006. Allotment letters were issued to the allottees by the respondents on 12.10.2009 and possession was also delivered to them. All the allottees of the above mentioned flats paid the entire amount due. Consequently, No Due certificates were also issued to the allottees. After receiving the full and final payment, respondent No.1 had to execute and register the conveyance deed in favour of the allottees. When the conveyance deed was not executed, the petitioner association filed various representations to the respondents to execute the conveyance deed since the year 2015 onwards but no action was taken.

Learned counsel for the respondents was unable to justify as to why execution of conveyance deed could not be done for such a long period.

5. After considering the entire facts and circumstances of the case and hearing learned counsel for the parties, a direction is issued to the respondents that conveyance deed shall be executed by the Chandigarh Administration in favour of the Chandigarh Housing Board within three months i.e. upto 30.6.2018. The Chandigarh Housing Board shall within next three months execute conveyance deed in favour of the allottees in accordance with law. Accordingly, the writ petition stands disposed of.

(Ajay Kumar Mittal)
Judge

March 08, 2018
‘gs’

(Anupinder Singh Grewal)
Judge

Whether speaking/reasoned

Yes

Whether reportable

Yes