

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.20162 of 2017 (O&M)

Date of Decision: 27.09.2018

Paramjit Kaur

...Petitioner

VS.

State of Punjab & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. SK Sandhir, Advocate for the petitioner
Mr. Sandeep Vermani, Addl. AG Punjab
Mr. RS Khosla, Sr.Advocate with
Ms. Ishrat Phulka, Advocate for GMADA

SURYA KANT J. (Oral)

(1) The petitioner was allotted plot No.1328, Sector 68, SAS Nagar Mohali on 28.07.1999. She paid all the instalments and thereafter went abroad. Meantime, someone impersonated and sold the plot fraudulently on her behalf. The said sale has been declared null and void by the Civil Court vide judgment and decree dated 20.02.2016 in the Civil Suit filed by GMADA. The petitioner has also paid the non-construction charges upto the year December, 2012 amounting to ₹ 8,54,000/- with the understanding that the amount deposited by the impersonators to the same effect, might be required to be refunded by GMADA to them.

(2) The allotment has thus been restored in favour of the petitioner. However, GMADA has now demanded non-construction charges upto 31.12.2016 amounting to ₹ 21,07,410/- from petitioner. She has filed the instant writ petition with the plea that the litigation period when Civil Suit remained pending deserves to be treated as 'zero period' as the plot was not in her name and she could not have constructed the same.

(3) The petitioner statedly came from abroad in January, 2013. In the ordinary course, she would have taken at least one year or so for construction of the house. It thus appears that the petitioner might be liable to pay 'non-construction charges' for an additional period of one year but her request to treat the remaining 'litigation period' as 'zero period' surely deserves sympathetic consideration by the authorities.

(4) Consequently, the writ petition is disposed of with a direction to the Chief Administrator, GMADA to consider the above-mentioned request of the petitioner sympathetically and take a holistic view towards her liability for non-construction fee from 01.01.2014 till 31.12.2016. As an interim measure and without prejudice to the rights of the parties, the petitioner is directed to deposit 1/3rd of the amount as demanded by GMADA within three weeks and on deposit thereof, let GMADA issue provisional NOC and execute Conveyance Deed in her favour to enable her to construct the house though subject to determination of the final charges towards 'non-construction fee'. The Chief Administrator, GMADA shall determine the charges within a period of three months from the date of deposit of 1/3rd amount by the petitioner.

(5) Keeping in view the fact that the incident of impersonation has led to the victimization of the petitioner as well as GMADA authorities, we request the learned Judicial Magistrate to expedite the trial arising out of FIR No.40 dated 11.04.2013 registered at PS Mohali.

(6) Ordered accordingly.

(Surya Kant)
Judge

27.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge