

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25330 of 2018.

Date of Decision: October 03, 2018

Santosh Kumari

.....Petitioner

versus

State of U.T. Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Paras Money Goyal, Advocate, for the petitioner.

Ms.Geeta Sharma, Advocate, for UT Administration.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Ms.Geeta Sharma, Advocate, accepts notice on behalf of the respondents.

Let five copies of the writ petition be handed-over to her during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

Though learned counsel for the respondents seeks time to file written-statement but having regard to the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents as we are disposing of the writ petition without expressing any views on merits.

The petitioner is an allottee of Cheep House No.3250, Sector-19-D, Chandigarh which are meant for poor strata of society. It appears that the petitioner raised some unauthorized construction in violation of Building Bye-laws which led to resumption of this house vide order dated

30.04.2003. Her appeal etc. were also turned down.

The petitioner still continues to be in physical possession of the house as eviction proceedings have not been initiated against her. Meanwhile, the petitioner has removed all the violations and due amount of allotment price has also been paid by her.

Prima-facie, it is not a case of persistent violation of Building Bye-laws. Full allotment price has also been paid by the petitioner and she continues to be in physical possession of the house which is the only social shelter for her family. It thus appears that the matter for restoration of allotment or recalling the resumption order, may be by imposing some reasonable penalty, requires re-consideration in terms of Full Bench decision of this Court in Dheera Singh versus U.T. Chandigarh Administration and others, 2012 (4) RCR (Civil) 970. Consequently, the writ petition is disposed of with a direction to the Estate Officer, U.T. Chandigarh that regardless of the previous resumption order, inspection of the petitioner's house be carried out and if it is found that there is no uncompoundable building violations and the petitioner has paid the entire allotment price, her request for restoration of cancellation of allotment be considered in the light of the above-cited law. An appropriate decision in this regard be taken within a period of four months from the date of receiving a certified copy of this order. Till such time, *status-quo* re: possession be maintained.

[SURYA KANT]
JUDGE

<i>mohinder</i>		JUDGE
Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No