

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25338 of 2018.

Date of Decision: October 03, 2018

Ram Gopal

.....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 Cheap House No.2038, Sector-19-C, 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

The petitioner still continues to be in physical possession of the house. Though eviction proceedings were initiated but the case was remanded to the Estate Officer, U.T. Chandigarh and thereafter, no eviction order has been passed. Meanwhile, the petitioner has removed all the violations and due amount towards allotment price has also been paid..

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 he continues to be in physical possession of the house which is the only social shelter for his 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, his request for restoration or 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

(SUDIP AHLUWALIA)
JUDGE

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