

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CWP-3362 OF 2017

Date of Decision: 12.03.2018

LALIT KUMAR BHATIA

....Petitioner.

Versus

CHANDIGARH ADMINISTRATION AND ANR.

...Respondents.

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

Present: Mr. Rakesh Bhatia, Advocate
for the petitioner.

Mr. Suvir Sehgal, Senior Standing counsel with
Mr. Vikas Chatrath, Advocate,
Ms. Shalini Verma, Advocate and
Mr. Rajanjeet Singh, Advocate
for the respondents/U.T., Administration.

ANUPINDER SINGH GREWAL, J.

The petitioner has impugned the order dated 08.10.2015 (Annexure P-8) passed by respondent No.2, whereby his request for transfer of the 1/8th share of Late Smt. Krishna Bhatia (sister) and 1/32th share each of Narinder Bhatia and Shashi Bhatia (nephew & niece) by way of relinquishment deed dated 28.07.2007, has been rejected. He has also sought writ in the nature of mandamus directing respondents to transfer 1/8th share of late Smt. Krishna Bhatia by virtue of registered Will dated 28.07.2007 (registered under Section 40 of the Registration Act) and transfer of 1/32th share each of Narinder Bhatia s/o Late Bansi Lal Bhatia and Shashi Bhatia D/o Late Bansi Lal Bhatia, by virtue

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of relinquishment deed in favour of the petitioner in respect of their share in H.No.1890, Sector 22-B, Chandigarh.

2. Learned counsel for the petitioner contends that the petitioner does not press his first prayer and is confining the prayer in this petition to the transfer of 1/8th share of Late Smt. Krishna Bhatia (sister) and 1/32th share each of Narinder Bhatia and Shashi Bhatia (nephew & niece) by way of relinquishment deed dated 28.07.2007. He further contends that although the petitioner has sent his papers for the transfer of the plot to the respondents but they have not taken any action in this regard.

3. In the reply filed by the respondents, it is inter alia stated that the petitioner's application for transfer of 1/8th share on the basis of unregistered Will dated 28.07.2007 of Krishna Bhatia was processed by the office of respondent No.2 wherein, certain clarifications/documents were sought and the case is under consideration.

4. Learned Senior Standing counsel for the respondents pointed out that the petitioner has been asked to submit various documents in support of his case for transfer of share and the same shall be processed expeditiously after the petitioner complies with the requirements. Learned counsel for the petitioner submitted that whatever documents are required, shall be furnished to respondent No.2.

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5. At this stage, learned counsel for the parties have agreed that the case can be disposed of with a direction to respondent No.2 to process the case of the petitioner for transfer of the share in a time bound manner.

6. Consequently, the petition is disposed of with a direction to respondent No.2 to process the case of the petitioner within a period of 02 months, from the date of submission of the necessary papers by the petitioner. In the event of the respondent No.2 deciding against the petitioner, it shall do so by passing a speaking order after affording an opportunity of hearing to the petitioner, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

12.03.2018

SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO