

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No. 1548 of 2016

Date of decision : 14.11.2019

Hardev Singh Sidhu

.....Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present : Mr. Naresh Kaushal, Advocate for the petitioner.

Mr. Rupinder S. Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate for respondents No.2 to 4.

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DAYA CHAUDHARY, J.

Petitioner Hardev Singh Sidhu has approached this Court by way of filing the present petition for quashing of impugned orders dated 12.02.2015 (Annexure P-4) passed in the revision petition; 07.12.2011 (Annexure P-2) passed by the Additional Chief Administrator, GMADA, Mohali as well as 10.12.2010 (Annexure P-1) passed by the Estate Officer, GMADA, Mohali, whereby request of the petitioner for allotment of plot and transfer has been declined. A further prayer has also been made for direction to the respondents to allot plot measuring 500 square yards by transferring the application in favour of the petitioner.

Briefly, the facts of the case as made out in the present petition are that one Joginder Kaur Arora applied for a plot measuring 500 square

yards in the year 1984. She completed all formalities for allotment of plot and plot was to be allotted to her by putting her application in the draw of lots. However, vide letter dated 22.06.1994, the Estate Officer informed her to submit option for allotment of plot in Sector 70, Mohali at the rate of Rs.1200/- per square yards. Thereafter, she was given another chance to become eligible for preferential allotment in new Sectors 67, 68, 69 of SAS Nagar, Mohali. She was asked to deposit an amount of Rs.60,000/-. Said amount along with the requisite affidavit was deposited. She also gave option for allotment of plot in Sectors 67, 68 and 69 of SAS Nagar, Mohali. Thereafter, Joginder Kaur Arora submitted an application dated 19.07.1994 along with all relevant documents for transfer of the plot in favour of the petitioner and also deposited transfer fee. As per case of the petitioner, much time was passed after completing the formalities but plot was not allotted to him. He was asked to produce original applicant Joginder Kaur Arora along with certain documents. However, the petitioner appeared himself and not Joginder Kaur Arora. He also furnished indemnity bond in response to public notice which was issued on 17.04.1997. Petitioner made representation stating that all the formalities were completed but nothing was communicated to him. He also got served a legal notice upon the respondent-authorities but still nothing was done. Petitioner filed a petition before the learned Additional Chief Administrator who disposed of the same with the direction to consider the grievance of the petitioner by passing a speaking order. Thereafter, order dated 10.12.2010 was passed and claim of the petitioner was rejected on the ground that the original

applicant did not give her consent and she did not come present for confirmation of transfer application. Thereafter, petitioner filed appeal before Additional Chief Administrator against order dated 10.12.2010. Said appeal was dismissed on 07.12.2011. Aggrieved by the order dated 07.12.2011 passed by the appellate authority, the petitioner filed revision before the Special Secretary, Department of Housing and Urban Development, which was also dismissed vide order dated 12.02.2015.

All the above mentioned orders dated 10.12.2010, 07.12.2011 and 12.02.2015 are subject matter of challenge in the present petition.

Learned counsel for the petitioner submits that all formalities were completed and the amount of transfer was also deposited but still claim of the petitioner has been rejected. Learned counsel also submits that in spite of making all efforts, the original applicant could not be contacted as her whereabouts were not known. The claim of the petitioner has been dismissed only on this ground that application could not be confirmed whereas the present petitioner has the same rights which were accrued to the original applicant as he has stepped into her shoes. Learned counsel further submits that the impugned orders are not only illegal but non-speaking and the same have been passed without giving any reason. Learned counsel submits that under similar facts and circumstances the appellate authority did not consider the case of one Smt. Gurbax Kaur and her application remained pending for a long period. She approached District Consumer Forum, Roper by way of filing a complaint, which was allowed and direction was issued to allot plot. Thereafter, appeal filed against said order

was also dismissed by the State Commission. On the basis of that decision, plot was allotted.

Learned Senior Counsel appearing for respondent-GMADA has opposed the submissions made by learned counsel for the petitioner and submits that reasons have been mentioned in the order passed by the appellate authority as well as revisional authority. The petitioner has no *locus standi* to file the present petition as the documents including the application could not be verified as original applicant did not come present in spite of asking time and again. The consent of the original applicant was required to be verified but the same was not received from her part. Learned counsel further submits that even the consent for new rates was sought from the original applicant vide letter dated 26.02.2001 but no consent was received. However, the letter was issued to refund the amount. At the end, learned Senior Counsel submits that neither the original applicant appeared in person nor submitted any document. No consent was there before the respondent-authorities and case of the petitioner has rightly been rejected. Learned Senior Counsel also submits that vide public notice published in the newspaper on 12.09.2006, the general public was informed about the decision taken by the Financial and Accounts Committee of PUDA that in future no allotment of plots would be made on old registration numbers. The earnest amount could be collected by such applicants.

Heard arguments of learned counsel for the parties and we have also perused the impugned orders as well as other documents on file.

Facts of the case are not disputed. Admittedly, original

applicant Joginder Kuar Arora made an application for allotment of plot in the year 1984. Subsequently, she sold her application to the present petitioner by completing certain formalities in his favour. Just to verify the documents of transfer of application, the original applicant was asked to be present but she could not be present and the documents could not be verified. The consent of the original applicant was necessary to be verified. Not only various communications were made but a public notice was also served. The Estate Officer passed order of refund of the amount vide letter dated 31.05.2001 and claim of the petitioner was also rejected. Whereabouts of the original applicant were not known to the present petitioner as well as the respondent-authorities. For transfer of the application it was necessary to verify as to whether the original applicant had really submitted her application for transfer or not. In absence of such consent and even without knowing the whereabouts of the original applicant it cannot be said that the application was made by her. The documents could have been verified in case the original applicant was available. Moreover, long period has passed and it was for the present petitioner to tell the whereabouts of the applicant but nothing was told to the respondent-authorities. In absence of verification of the documents and without consent of the original applicant, the respondent authorities have rightly declined the request of the present petitioner. Not only before respondent-authorities but while arguing before this Court also, the whereabouts of the original applicant could not be verified.

Accordingly, in absence of verification of the documents and

consent of the original applicant no direction can be issued and the present petition being devoid of any merit is hereby dismissed.

**(DAYA CHAUDHARY)
JUDGE**

Dated : 14.11.2019
sunil yadav

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No