

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CWP-455-2021

Date of decision: 05.04.2021

Harish Chandra

.....Petitioner

versus

House Allotment Committee, Chandigarh and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Namit Kumar, Advocate
for the respondents-UT.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Harish Chandra, stated to be aged 40 years, working as Senior Assistant at Punjab & Haryana High Court, Chandigarh, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of mandamus directing the respondents to renovate/repair the House allotted to the petitioner.

Records of the case show that on 11.01.2021, this Court had passed the following order:-

“Petitioner Harish Chandra has filed the present petition inter alia with a prayer to direct the respondents to renovate/repair the House No.3275 (Ground Floor),

Sector 24D, Chandigarh (Type 11(Old)/III (New) allotted to him, with a further prayer to direct the respondents to consider his request for allotment of another house of the same category in lieu of House No.3275 (Ground Floor), Sector 24D, Chandigarh and exempt the charging/deduction of licence fee and rent (HR) on account of allotment of above said house.

Learned counsel for the petitioner submits that in pursuance to Allotment letter dated 09.11.2020 (Annexure P-1), although the petitioner had taken over the possession on 16.11.2020 but the photographs appended as Annexure P-3 (Colly), would show that the house is not in a position to be occupied. He, therefore, submits that the house has not been occupied by the petitioner till date. Learned counsel further submits that the petitioner had made a representation followed by legal notice with a request and demand that repair and renovation of House No.3275 (Ground Floor), Sector 24D, Chandigarh, be carried out at the earliest, maximum within a period of 15 days. Learned counsel then submits that on one hand no action has been taken to make the house livable whereas on the other hand the petitioner has not been exempted from the charges of licence fee and deduction of house rent allowance. He, however, submits that the petitioner had also made a request that he be allowed another house of the same category in lieu of the said house in the alternative.

Notice of motion for 22.01.2021.

Notice reg: stay as well.”

Today, on the resumed hearing of the case, learned counsel for the petitioner submits that during pendency of the present writ petition, House No.3275 (Ground Floor), Sector 24D, Chandigarh (Type 11 (Old)/III

(New), has since been repaired and the petitioner has taken possession of the said house.

Learned counsel for the petitioner submits that during this period, HRA/charges on account of license fee so deposited, deserves to be refunded back to the petitioner.

Petitioner is at liberty to move the representation in this regard.

Learned counsel appearing for the respondents-UT, submits that he would file written statement in the Registry which may be taken on record.

Prayer is accepted.

Learned counsel for the respondent is permitted to take steps to get the written statement place on record.

After doing the needful, Registry is directed to paginate the same.

With the above observations, the present writ petition is disposed of as having become infructuous.

(GIRISH AGNIHOTRI)
JUDGE

05.04.2021

anju rani

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No