

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

**CWP-14311-2021 (O&M)
Date of decision: 15.11.2021**

RAJBIRINDER SINGH CHAHAL

...Petitioner

Versus

**DEPUTY COMMISSIONER - CUM - ESTATE OFFICER AND
ANR**

...Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present:- Mr. Rajbir Singh Guron, Advocate for the petitioner.

Mr. Aditya Jain, Advocate for respondent-U.T.
Chandigarh.

TEJINDER SINGH DHINDSA. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks a writ of mandamus for directing the respondent-authorities-U.T. Chandigarh Administration to transfer/mutate H. No. 1149, Sector 8-C, Chandigarh in favour of the petitioner on the basis of registered sale deed dated 06.02.2015.

We find appended as Annexure P-3, an order passed by Hon'ble Supreme Court of India in interlocutory application No.3/2017 and interlocutory application No.110838/2017 in **Civil Appeal No(s). 13471/2015** titled as ***“Raj Kumar Bhatia versus Estate Officer, U.T. Chandigarh”*** and others and the same reads as under:

“ 1. After hearing the learned counsels for the parties interlocutory applications are disposed of in the following terms:

The CBI is directed to return the original file pertaining to H.No. 1149/8-C, Chandigarh to the Estate Office forthwith.

2. We make it clear that the Estate Officer before taking any further action in the matter on the basis of the original records directed to be furnished by this Court shall do so only with the leave of the Court.”

....., J.
(Ranjan Gogoi)

....., J.
(R. Banumathi)

*New Delhi
January 19, 2018*

Suffice it to observe that the order re-produced herein above pertains to the same H. No. 1149, Sector 8-C, Chandigarh.

Apparently, the request of the petitioner for transfer of house in question was declined by the Estate Officer, U.T. Chandigarh vide memo dated 15.06.2018 (Annexure P-4). Thereafter, petitioner filed I.A. No. 2202 of 2018 in Civil Appeal No. 13471 of 2015 (Annexure P-5) in which the precise prayer was raised to the following effects:

“PRAYER

It is therefore respectfully prayed that :

- a. Respondent no.1 may be permitted/directed to proceed in accordance with law and transfer the property in its records in favour of the applicant on the basis of the registered sale deed dated 06.02.2015.*

AND FOR THIS ACT OF KINDNESS THE RESPONDENT NO.6 AS IS DUTY BOUND SHALL EVER PRAY.”

Such application stands dealt with by the Apex Court vide order dated 10.09.2018 (Annexure P-6), by observing as follows:-

“Miscellaneous application No. 2202 of 2018 :

In view of the detailed order passed by this Court on 18th November, 2015 and since C.B.I. has now filed the chargesheet pursuant to the order by this Court, this application for direction is not entertained at this stage.”

Application (M.A. No. 2202/2018) for direction is accordingly dismissed.”

.....J.
(R. BANUMATHI)

.....J.
(INDIRA BANERJEE)

NEW DELHI,
SEPTEMBER 10, 2018.

Mr. Rajbir Singh Guron, learned counsel for the petitioner was confronted with the question as to whether leave of the Court has been granted in terms of direction of the Apex Court in order dated 19.01.2018 (Annexure P-3).

Learned counsel would make an attempt to rely upon the order dated 18.11.2015 passed by the Hon'ble Supreme Court herein as appended at Annexure P-1.

We find that the embargo placed upon the Estate Officer to proceed further only after taking leave of the Court was by virtue of a subsequent order dated 19.01.2018 (Annexure P-3).

Mr. Rajbir Singh Guron, Counsel at this stage seeks withdrawal of the instant petition with liberty to file an appropriate application before the Apex Court to seek clarification in the matter.

Without examining the issue on merits, writ petition is disposed of as withdrawn as per submission and prayer made by the Counsel.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

15.11.2021
Vishal sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*