

CWP-17423 of 2018 (O&M)

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

(PROCEEDINGS THROUGH V.C.)

CM-595-CWP-2021 and
CWP-17423 of 2018 (O&M)
Date of Decision: 24.03.2021

Raj Kumar

...Petitioner

Versus

Chandigarh Administration and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present:- Mr. Shekhar Choudhary, Advocate, for the petitioner.
Mr. Jaivir Chandail, APP, for U.T., Chandigarh.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 22.02.2021 following order was passed: -

“We have considered the facts and circumstances of the present case and having gone through the record specifically Rule 14(2) of the Chandigarh Lease-Hold of Sites and Buildings Rules, 1973 we are of the considered view that the said Rule does not mandate cancellation in case of non-execution of the lease deed. We also acknowledge the fact that the petitioner has been given an opportunity to execute the sale which as per the submissions of the petitioner he has not been able to do because of certain medical contingency. In the peculiar facts and circumstances of the present case we are of the view that an opportunity should be given to the petitioner to execute the lease deed to test his bonafide.

In the light of the above, let petitioner deposit the amount which has been refunded by the respondents within a period of one week from today. He will also deposit any other

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dues which may be brought to the notice of the petitioner within a further period of one week and thereafter execute the lease deed within a further period of one week.

List for consideration on 24.3.2021.”

In pursuance thereto counsel for the parties have informed the Court that the petitioner has deposited the amount due, including the additional amount which was required. Learned counsel for the parties agree that there is no impediment for execution of the lease deed as on today and they are ready for the said purpose.

Having considered the submissions made by the counsel for the parties and in the light of the above, the present writ petition is allowed. Impugned orders dated 19.12.2017, 02.05.2016 and 04.06.2014 (Annexures P-21, P-12 and P-9, respectively) are set aside. Parties shall execute the lease deed within a period of four weeks. It is made clear that the parties shall be bound by the terms and conditions of the lease deed.

In view of the disposal of the present writ petition, no order is required to be passed in the CM. Hence CM stands disposed of.

(Augustine George Masih)
Judge

(Ashok Kumar Verma)
Judge

March 24, 2021
R.S.

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No