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

CWP No. 15194 of 2022

Date of Decision: 18.07.2022

Market Committee Rewari

-Petitioner

Versus

Ram Kishan through LRs and others

-Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Piyush Bansal, Advocate,  
for the petitioner.

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**RAJ MOHAN SINGH, J. (Oral)**

Deceased- Ram Kishan was owner in possession of commercial shop which was allotted to him in New Grain Market, Rewari by the petitioner- Board on 21.02.1973. Conveyance deed had already been issued by the petitioner- Board, Marketing Committee, Rewari in favour of aforesaid deceased- Ram Kishan. A family settlement was entered into between the family members. On account of said family settlement, commercial shop no.96 was given to three sons namely Ajay Kumar, Ajit Kumar and Ashwini of original allottee namely Ram Kishan. Sons of Ram Kishan are the beneficiaries in equal shares vide registered deed of transfer in blood relation i.e. relinquishment deed dated 03.07.2015. Thereafter, the

aforesaid sons of Ram Kishan applied for transfer in their names in the record of petitioner- Board, Marketing Board, Rewari. All the formalities were complied with. Petitioner- Board demanded an amount of Rs.51,000/- for transfer of shop in question. Against the aforesaid illegal demand, respondents filed a complaint on CM window on 26.02.2018 and thereafter, the aforesaid demand of Rs.51,000/- was reduced to Rs.1000/- only which was duly paid by the respondents- beneficiaries on 12.03.2018. The issue regarding transfer of ownership of the shop in question was unnecessarily prolonged on one pretext or the other.

The only argument in the present case is that in view of policy dated 28.09.2015, the transfer in case of family settlement or consent decree can be allowed after getting it registered and followed at procedure point no.4.

Perusal of point no.4 would show that the same is meant for transfer on the basis of one registered Will or a Will which was registered after the death of testator.

In the instant case, the transfer of ownership of the property was effected in favour of Ajay Kumar, Ajit Kumar and Ashwini in a family settlement and the same was duly registered before the appropriate authority.

Apparently, point no.4 of policy guideline no.11(f) is

not attracted in the present case. Moreover, the other legal representatives of deceased Ram Kishan i.e. his wife and his daughter have already filed their respective affidavits showing no objection in case the property is transferred in favour of Ajay Kumar, Ajit Kumar and Ashwini.

In view of aforesaid facts, it appears that the petitioner- Board has unnecessarily adopted indifferent attitude against the legal representatives of respondent No.1 particularly in view of the fact that initially the petitioner- Board demanded Rs.51,000/- for transfer of shop in favour of legal representatives of respondent No.1 and on filing of complaint on CM window, the amount was reduced to Rs.1000/- only which was duly paid by the legal representatives of respondent No.1 on 12.03.2018. Since 12.03.2018, petitioner- Board has been keeping the issue alive on non-existent ground. The effort is only to harass and humiliate the legal representatives of respondent No.1.

The Permanent Lok Adalat has already awarded an amount of Rs.10,000/- as compensation on account of harassment. In my considered opinion, the aforesaid amount of compensation is inadequate in view of continuous harassment meted to legal representatives of respondent No.1.

This writ petition is dismissed with cost(s) of Rs.25,000/-. This amount shall be in addition to the amount already awarded by the Permanent Lok Adalat as compensation to the legal representatives of respondent No.1. This amount shall be paid as compensation to the aforesaid legal representatives of respondent No.1.

Needful shall be done within a period of one month from today.

18.07.2022

Jyoti Sharma

**(RAJ MOHAN SINGH)**  
**JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No