

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

C.O.C.P.No.2732 of 2019

Date of Decision: July 27, 2022

Dhruv Chandra

...Petitioner

Versus

Manoj Parida & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.A.K.Ranolia, Advocate for
Mr.Sumeet Goel, Advocate,
for the petitioner.

Ms.Ashima Gill, Advocate for
Mr.Anil Mehta, Sr.Standing counsel for U.T.Chandigarh.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Sections 10 and 12 Contempt of Courts Act, 1971 with a prayer for initiating contempt proceedings against respondents for disobeying the order dated 21.04.2018 passed in Civil Writ Petition No.20181 of 2017.

Briefly, the facts are that on 14.06.1968, a residential plot bearing No.1563, Sector 36-D, Chandigarh measuring 2 kanals was allotted to one Col.Rajinder Paul Madhok on free hold basis out of plots reserved for defence personnel vide allotment letter No.6007-40/RPD/5804 and the possession of the said plot was handed over to him on 05.09.1968. After payment of full consideration, a conveyance deed was executed in favour of the allottee on 13.05.1978 and he was bound by the restriction on his right

of alienation, whereby except with the permission of the Estate Officer in writing, the allottee could not alienate the plot in dispute for a period of ten years.

On 25.06.1983, the original allottee after completion of statutory period from the date of allotment, entered into an agreement of sale with Akhil Chandra (father of the petitioner) for a consideration of Rs.1.00 crore and on receipt of the full sale consideration, father of the petitioner was put in possession of the plot in dispute and he was also appointed as an attorney of the original allottee vide registered deed to do all the formalities necessary for completion of the transaction of transfer of title of the plot. However, before the sale under the agreement to sell could be completed, Akhil Chandra unfortunately died and on 18.02.1998, the original allottee appointed Sunanda Chandra (mother of the petitioner) as his attorney. Thereafter, she applied to the Estate Officer for issuance of clearance certificate, which was granted on 20.09.1999, mentioning therein that the same was valid for execution of sale/gift deed of the plot in dispute in favour of Dhruv Chandra, i.e., the petitioner. On deposit of the extension fees, respondents in the clearance certificate required the petitioner to obtain occupation certificate by 31.12.1999 and they issued Certificate No.33209/RPD-15804/G-IV conveying to him that the completion time for consideration was extended to 31.12.1999.

On 30.09.1999, a sale deed of the plot in dispute was executed in favour of the petitioner and thereafter the Collector, Chandigarh passed an order dated 22.12.1999 determining the market value of the plot in question as Rs.28.00 lacs and ordered that the deficient amount of stamp duty be realised from the party. On 28.01.2000, amount of Rs.3,37,500/-

towards additional stamp duty was deposited and the sale deed was released. On 22.02.2000, the petitioner applied for transfer of the plot in his favour and also deposited Rs.59,350/- towards extension charges/fees. Vide letter dated 26.06.2000, respondent No.2 called upon Smt.Sunanda Chandra to pay a sum of Rs.11,94,592/- on account of 1/3rd unearned profit subject to final settlement, so that the request for transfer of the plot could be considered. She sent a reply/notice dated 25.08.2000 through counsel calling upon the respondents to withdraw the illegal and unjustified demand, but on 25.08.2000 itself, respondent No.2 issued another letter to her calling upon her to deposit Rs.31,90,382/-, so that the request of transfer of ownership of the plot in question could be considered. Subsequently on 04.09.2000, another communication was sent to respondent No.2 by Sunanda Chandra reiterating the demand for unearned profits to be totally illegal. When the respondents did not take any action, she filed CWP No.13595 of 2000 challenging the said illegal demand, which was allowed by this court vide order dated 27.01.2015 and the claim raised by the Chandigarh Administration was quashed.

Thereafter, the petitioner made several representations/letters to the respondents for transfer of the ownership of the plot in dispute in their records, so as to enable him to complete construction on the plot. He also made request that two years period granted by this court be only considered from the day the matters are resolved, but the respondents failed to reply to the said representations.

Petitioner also submitted building plans to the respondents for approval through applications dated 29.11.2016, 07.12.2016 and 16.12.2016. In response to the said letters, SDO (Building) in the office of

respondent No.2, vide letter dated 26.12.2016 intimated the petitioner that as per official website, the site of Plot No.1563, Sector 36-D, Chandigarh has been resumed on account of non-construction. He challenged the said action of the respondents by filing CWP No.20181 of 2017, which was disposed of vide order dated 21.04.2018 by permitting the petitioner to submit his claim along with all relevant documents before the appropriate authorities. He submitted his claim, but the same has not been decided. Hence, the present contempt petition.

On 14.01.2020, the following order was passed:-

“Learned counsel for the petitioner submits that vide order dated 21.04.2018 passed in CWP-20181-2017, petitioner was permitted to submit his claim along with all relevant documents before the appropriate authorities. Direction was issued to the appropriate authority to decide the representation of the petitioner afresh expeditiously after hearing the petitioner. Petitioner submitted his claim, which has not been decided despite repeated reminders.

Submission of learned counsel for the petitioner makes out a case for calling compliance report from respondents.

Compliance report be called for 11.05.2020.

Copy of petition be supplied to learned senior standing counsel for UT Chandigarh during the course of the day.”

Today, during the course of the hearing, learned counsel appearing on behalf of U.T.Chandigarh has produced photocopy of the order dated 30.03.2021 to submit that the order dated 21.04.2018 stands complied with. The order is taken on record and according to it, transfer of ownership rights to the extent of 100% share in respect of H.No.1563, Sector 36, Chandigarh held by Rajinder Paul Madhok is hereby noted in favour of the petitioner on the basis of sale deed dated 28.10.1999 and

orders dated 27.01.2015 passed by this court in CWP No.13595 of 2000 on some terms and conditions mentioned therein.

Learned counsel appearing on behalf the petitioner states that some part of the grievance remains to be redressed, but he is unable to point out the same.

Considering the above, the contempt petition stands disposed of and rule discharged.

July 27, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No