

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

107

CWP No.27110 of 2021(O&M)

Date of Decision: 10.02.2022

Nirmal Kaur

....Petitioner.

Versus

State of Punjab and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Shivam Grover, Advocate for the petitioner.

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.

Pleadings on record would indicate that petitioner was allotted House No.4552, MIG(S), Sector 70, S.A.S. Nagar (Mohali), vide allotment letter dated 04.09.1998 (Annexure P/1).

Afore-noticed allotment was cancelled vide order dated 16.10.2006 (Annexure P/3) passed by the Estate Officer, GMADA, Mohali, on the ground of unauthorized construction having been effected. Appeal filed by the petitioner was dismissed on 12.10.2009 (Annexure P/7) and even a revision petition thereafter stands declined in terms of order dated 10.06.2011 (Annexure P/8).

Instant petition has been filed assailing the afore-noticed impugned orders at Annexures P/3, P/7 and P/8. Writ of mandamus has been sought for directing the respondents to restore allotment of the house in question on the plea that the unauthorized construction has since been removed and a communication in this regard has been submitted by the petitioner on 05.01.2021 (Annexure P/9).

We have heard counsel at length.

Even as per the case set out on behalf of the petitioner, the unauthorized construction stands conceded. Assuming the assertion made in the petition and communication dated 05.01.2021 (Annexure P/9) to be factually correct as regards the unauthorized construction having been removed, the same does not cure the defect which led to the passing of the cancellation order and affirmed by the Appellate and Revisional Authorities, as the removal of the unauthorized construction is much thereafter.

Confronted with a situation where this Court was not inclined to intervene and accept the prayer made in the petition, counsel seeks withdrawal of the writ petition.

Dismissed as withdrawn.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

10.02.2022

D.Gulati

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