

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CWP-3332-2023

Date of decision: - 17.02.2023

Ranjit Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ramneek Singh Baweja, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of appropriate writ, order or direction especially writ in the nature of mandamus directing the respondent No.1 to complete the process of registration of property, which is in possession of the petitioner situated at Rajpura Road, Near Gurdwara Jhall, Patiala, and which was resolved vide resolution No.373 dated 15.06.2021 by the General House of respondent No.2 to be transferred to the petitioner in pursuance of a policy of the Punjab Government after determining the rent of the property by PWD department.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was in actual active physical possession of commercial property measuring 368.09 sq. yards comprised in Khasra

No.1927/1604/25-0, 1929/1661/12-14 situated at Rajpura Road, near Gurdwara Jhal Sahib, Patiala since the last 30 years and the land is mutated in favour of the Municipal Corporation, Patiala. It is further submitted that the Punjab Management and Transfer of Municipal Properties Act, 2020 (for short 'the Act') was notified on 01.04.2020 and under Section 5 of the Act, the Municipality has the power to vest the proprietary rights of a municipal property in a tenant or an occupant of such a municipal property at a price determined by the Price and Rent Fixation Committee constituted. It is also submitted that regarding the same, resolution No.373 dated 15.06.2021 has already been passed by the Municipal Corporation, Patiala and several further acts have been done, but however, the final registration is not being done and for the said purpose, the petitioner had given a detailed representation to the Commissioner, Municipal Corporation, Patiala on 19.12.2022 (Annexure P-2) detailing the grievance. Learned counsel for the petitioner has stated that he would be satisfied in case the Commissioner, Municipal Corporation, Patiala is directed to consider the said representation dated 19.12.2022 (P-2) and take a final decision regarding the same in a time bound manner.

Keeping in view the above-said facts and circumstances and also the prayer made by the petitioner, the present writ petition is disposed of with a direction to the Commissioner, Municipal Corporation, Patiala to consider the representation dated 19.12.2022 (Annexure P-2) as expeditiously as possibly, preferably, within a period of two months from the date of receipt of certified copy of this order.

In case, after considering the representation dated 19.12.2022 (Annexure P-2), the case of the petitioner is found to be genuine, then, the necessary action in pursuance of the same be also taken within a period of one month thereafter. Further, if the case of the petitioner is to be rejected, then, the same be done by passing an appropriate speaking order giving the reasons for the same within a period of two months from the date of receipt of certified copy of present order.

It is made clear that this Court has not opined on the merits of the case and the Commissioner, Municipal Corporation, Patiala would take a final decision on the above-said representation independently, in accordance with law.

February 17, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No