

CWP-10172-2023
Date of decision: 11.05.2023

Versus

Estate Officer Chandigarh AdministrationRespondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Nitin Kaushal, Advocate for
Mr. Saurabh Chawla, Advocate
for the petitioner.

Mr. Sumit Jain, Senior Standing Counsel and
Mr. Himanshu Arora, Standing Counsel
for the respondent-U.T. Chandigarh.

AUGUSTINE GEORGE MASI, J. (ORAL)

A *mandamus* has been prayed for by the petitioner claiming refund of the amount which the petitioner is entitled to in pursuance to the order of resumption passed by the respondent. It is contended that the delay at the end of the respondent is huge and, therefore, the petitioner is entitled to the refund of the amount along with interest of 12% per annum. Highlighted this aspect, the petitioner has submitted a representation dated 27.1.2023 (Annexure P-10) to the Estate Officer, U.T. Chandigarh but till date, no decision thereon has been taken or conveyed. Even the total amount of refund has not been credited to the account of the petitioner except for a part of it. The reason for deduction of the amount has also not been communicated.

Counsel for the respondent who has put in appearance had tried to justify the same but there is no written communication as has been

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addressed to the petitioner explaining the said aspect with regard to the deduction nor is there any reason assigned for non-grant of the release of interest as claimed by the petitioner.

In light of the above, we dispose of the present writ petition by directing the Estate Officer, U.T. Chandigarh, respondent herein, to consider and decide the representation dated 27.01.2023 (Annexure P-10) within a period of 60 days from today. Decision so taken be conveyed to the petitioner forthwith. In case, the claim of the petitioner is accepted, consequential relief be released to the petitioner within a further period of three weeks.

(AUGUSTINE GEORGE MASIH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

11.05.2023
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No