

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-15303-2023

Decided on : 20.07.2023

Mamta

.....Petitioner(s)

Versus

State of U.T. Chandigarh and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Vinod Chaudhri, Advocate for the petitioner (s).

Mr. Prateek Mahajan, Advocate and
Mr. Vasu Gupta, Advocate for respondent-U.T. Chandigarh.

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition filed under Article 226/227 of the Constitution of India is for directing respondent No.1 to transfer the dwelling unit No.2818-1,Sector-47C, Chandigarh in the name of the petitioner on the basis of the sale deed dated 30.03.2022 (Annexure P-1) executed by respondent No.5 in favour of the petitioner.

2. It is case of the petitioner that the needful is to be done by respondent No.3 and the Chandigarh Housing Board has already written a letter to the said respondent on 08.07.2022 (Annexure P-4) to approve the action by issuing necessary NOC and, thus, the formal allotment is to be done. It is to be noticed that legal notice dated 29.04.2023 (Annexure P-6) was also served on the vendor, which has been replied vide reply of counsel that namely one Ajay Kumar had raised a loan against the said property. The reply as such dated 11.05.2023 (Annexure P-7) was sent by respondent No.5, the vendor that there was a charge created by Ajay Kumar who was the tenant in the property, whereas there was no such response from the official respondents.

3. Keeping in view the above, we are of the considered opinion that a writ of mandamus cannot be issued at this stage, since the petitioner has never approached the competent authority for the redressal of her grievances. It is the settled principle of law that a writ of mandamus cannot be issued if the competent authorities are not approached.

4. Resultantly, the present writ petition is dismissed in limine with the liberty to approach the authority for redressal of her grievances.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

20.07.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No