

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18413 of 2020

Date of decision : 09.02.2023

Tara Wati and others

.....Petitioners

VERSUS

Union Territory, Chandigarh and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Vipin Kumar, Advocate, for the petitioners.

Mr. Anil Mehta, Senior Standing Counsel with
Ms. Sukriti Kaur, Advocate, for respondent No.1 – U.T.

Mr. Gagandeep S. Wasu, Senior Standing Counsel with
Ms. Ashima Mor, Advocate, for respondent No.2 – CHC.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Brijeshwar Singh Kanwar, Standing Counsel
for respondent No.3 – UOI.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In pursuance to the order passed by this Court on 22.04.2022, an affidavit of the Chief Executive Officer, Chandigarh Housing Board, Chandigarh – respondent No.2, dated 22.09.2022, has been filed. A perusal of the same would indicate that the Chandigarh Housing Board is only a nodal agency and the rate of rent is fixed by the State Level Sanctioning and Monitoring Committee (SLSMC). The rent of Rs.3000/- per month of a dwelling unit had been fixed by the said Committee.

Learned counsel for Chandigarh Housing Board states that the Chandigarh Housing Board would have no powers to vary or make any changes in the rent as has been fixed by the Committee. It has also been stated that on the basis of the survey being conducted, it came out that the

market rent of the tenement, which is being given to the petitioners and similarly placed persons would fetch an amount of Rs.4000/- approximately at the ground floor and Rs.3500/- per month at the first floor around the area where the affordable rent housing complex has been established i.e. Maloya. On being confronted with the aspect as to whether Rs.3000/- is being charged for ground floor as well as other three floors above it, counsel could not dispute the fact with regard to the same rent being charged for all the floors, which appears to be unreasonable. In any case, the very intent for having a complex of the nature, which was constructed, was to provide affordable rental accommodations.

In the light of the above, we direct the State Level Sanctioning and Monitoring Committee (SLSMC) to reconsider the aspect of fixing of the rental of the tenement as per the principle of reducing the rent as we go up from the ground floor to the third floor. The said exercise be carried out within a period of three months from today. Petitioners would deposit tentatively an amount of Rs.2000/- per month till a decision is taken by the State Level Sanctioning and Monitoring Committee (SLSMC) and conveyed to them.

The writ petition stands disposed of with these observations.

It is made clear that it would be open to the respondents to take action against the petitioners, if they do not deposit the said amount of rent per month during the interregnum.

(AUGUSTINE GEORGE MASIH)
JUDGE

09.02.2023

Harish

Whether speaking/reasoned
Whether reportable

(VIKRAM AGGARWAL)
JUDGE

Yes/No
Yes/No