

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-16185-2023(O&M)

Date of decision : 04.09.2023

Smt.Amita Shukla

... Petitioner

Versus

Union Territory, Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Siddharth Sanwaria, Advocate and
Mr.Satish Chaudhary, Advocate for the petitioner.

Mr.Ajay Jagga, Advocate-Addl.Standing Counsel and
Mr.Deepak Malhotra, Advocate for U.T. Chandigarh-
respondents.

VIKAS BAHL, J.(ORAL)**CM-13999-CWP-2023**

1. This is an application under Section 151 CPC for preponing the date of hearing from 01.12.2023 to an early date.

2. With the consent of both the parties, the application is allowed and the main petition is preponed from 01.12.2023 to today and is taken up for hearing today itself.

CWP-16185-2023

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 07.07.2023 (Annexure P-1) vide which the petitioner has been asked to vacate the house.

2. Learned counsel for the petitioner has submitted that the petitioner seeks to withdraw the present petition with liberty to file a fresh application for allotment of house as per her eligibility. It is prayed that the petitioner be granted time upto 25.09.2023 to vacate the house and till the

said date, it is prayed that penal rent be not charged from her.

3. Learned counsel for the respondents has submitted that in case the petitioner is withdrawing the present writ petition and would vacate the house by 25.09.2023 and hand over the keys of the same to respondent no.2 on or before 25.09.2023, then in the said circumstances, the authorities will not charge penal rent from the petitioner.

4. Keeping in view of the above said facts and circumstances and in view of the statements made by learned counsel for the parties, the present petition is dismissed as withdrawn with the following observations:-

- i) the petitioner would vacate the house on or before 25.09.2023 and would hand over the keys of the house in question to respondent no.2.
- ii) in case of her doing so and handing over the vacant possession on or before 25.09.2023, the respondents would not charge any penal rent from the petitioner.
- iii) the petitioner would be at liberty to move a fresh application, in accordance with policy for allotment of fresh house.
- iv) in case of her doing so, the respondent authorities would decide the said application as expeditiously as possible.

5. It is made clear that in case the petitioner would not vacate the house in question till 25.09.2023, then it would be open to the respondents to proceed, in accordance with law.

6. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

September 04, 2023.

Davinder Kumar