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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.19841 of 2020(O&M)
Date of Decision: 27.03.2023**

**Rajbir Singh
Vs**

.....Petitioner

UT Administration and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ravi Sharma, Advocate and
Mr. Ravinder Kumar Panchal, Advocate
for the petitioner.

Mr. Ravi Kamal Gupta, Advocate and
Mr. Arav Gupta, Advocate
for respondents No.1 to 3.

RAJ MOHAN SINGH, J.(Oral)

CRM No.16273-CWP of 2022

For the reasons mentioned in the application, the same is allowed. Replication along with accompanying document is taken on record subject to all just exceptions.

Main case

[1]. The petitioner has approached this Court for the issuance of an appropriate writ in the nature of certiorari, quashing the orders dated 10.08.2020 and 28.09.2020 to the

extent of imposing penal rent w.e.f. 01.03.2020 to 31.05.2020.

According to the petitioner, the aforesaid orders are illegal and against the order dated 22.05.2020 passed by the Secretary, House Allotment Committee, Chandigarh.

[2]. In view of declaration of pandemic and imposition of curfew/lockdown to prevent potential spread of COVID-19 infection, the Chandigarh Administration itself had waived off the requirement of vacating the houses from 01.03.2020 to 31.05.2020, therefore, charging of penal rent is claimed to be illegal. The petitioner has already vacated the house in question on 10.06.2020.

[3]. Notice of motion was issued on 24.11.2020 and in the meantime, the recovery of penal rent from the petitioner was also stayed.

[4]. The document attached with replication (Annexure P-5) shows that the competent authority/Assistant Controller (F&A) Rents has revised the payable licence fee by the petitioner, thereby calculating an amount of Rs.1,787/- as on 31.08.2022. Now the aforesaid amount has swallowed to Rs.1,863/-.

[5]. Learned counsel for the petitioner submits that the petitioner is ready to deposit the aforesaid amount forthwith and the respondent-Administration be directed to issue no objection certificate to the petitioner, so as to seek refund of an amount of Rs.50,000/- lying deposited with the respondent No.4.

[6]. Learned counsel for the petitioner undertakes to deposit an amount of Rs.1863/- within a period of one week. On doing so, learned counsel for the respondent No.3 submits that the competent authority shall issue no objection certificate in favour of the petitioner within a period of three days of the deposit.

[7]. In view of aforesaid factual position, this writ petition is disposed by directing the petitioner to deposit an amount of Rs.1863/- within a period of one week from today and on doing so, respondent No.3 shall issue no objection certificate in favour of the petitioner within three days thereafter. The petitioner would be at liberty to approach the respondent No.4 in the context of refund of Rs.50,000/- (if any) lying deposited with the respondent No.4. On verification, the respondent No.4 shall act in accordance with law.

27.03.2023

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No