

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

**CWP-23429-2022 (O&M)
Date of decision-16.02.2023**

Amit Arora

...Petitioner

Vs.

State of U.T. Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Gulati, Advocate for the petitioner.

Mr. Gagandeep Singh Wasu, Senior Standing counsel with
Mr. Satyam Tandon, Advocate,
for respondents No.1 and 2.

Ms. Neha Awasthi, Advocate and
Ms. Shubreet Kaur, Advocate for respondent No.3.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari to challenge the order dated 22.07.2022 (Annexure P-6) passed by Permanent Lok Adalat (Public Utility Services), Chandigarh, whereby the petitioner's grievance against the non completion of transfer process relating to ownership of Booth No.44, Mani Majra, Chandigarh by Chandigarh Housing Boards was not entertained.

Learned counsel submits that Booth No.44, Modern Residential Complex, Mani Majra, Chandigarh was originally allotted on 16.07.1998 on lease hold basis to petitioner's mother, namely, Janak Rani w/o T.L. Arora and on the basis of blood relations, its transfer in favour of the petitioner

was requested before Chandigarh Housing Board, Chandigarh-respondent No.2, but despite completion of all the formalities, respondent No.2 is delaying the transfer of property at the instance of his brother. He submits that though the petitioner's brother has filed a suit for injunction, however, no injunction order has been passed by the Civil Court, much less relating to the property in question prohibiting the Chandigarh Housing Board from transferring the property, therefore, the petitioner was compelled to raise his grievance before the Permanent Lok Adalat (Public Utility Services), Chandigarh, which has refused to address the issue effectively through impugned order dated 22.07.2022 (Annexure P-6). According to the learned counsel, there is no impediment in transfer, therefore, the interference is warranted by this Court by issuance of a mandamus directing the respondent No.2 to complete the procedure of transfer of Booth No.44, Modern Residential Complex, Mani Majra, Chandigarh in favour of the petitioner.

At the stage, Mr. Gagandeep Singh Wasu, Advocate appears on behalf of respondent No.2, who has pointed out that the 100% share in allotment and lease hold rights in respect of Booth No.44, Modern Residential Complex, Mani Majra, Chandigarh has been transferred on the basis of blood relations vide decision 13.02.2020 and the copy of the same is on record as Annexure P-4. He has further pointed out that as per Annexure P-4, the petitioner is required to execute the lease deed with the Chandigarh Housing Board, but on account of his failure to do the needful, the transfer of property remains incomplete. He submits that considering this acceptance of transfer, the Permanent Lok Adalat (Public Utility Services), Chandigarh proceeded to dispose of the petitioner's application.

During the course of hearing, it is not disputed by Mr. Wasu, learned counsel that the transfer order (Annexure P-4) has not been cancelled so far, who further states that in case, the petitioner approaches the office of Chandigarh Housing Board, Chandigarh, for completion of the necessary formalities of executing the lease deed, the process of transfer shall be completed.

At this stage, learned counsel for the petitioner states that the petitioner would positively appear before the Chandigarh Housing Board, Chandigarh within a period of one week for completing the execution of lease deed.

Upon considering the above background, particularly the stand of the parties, it becomes clear that the dispute stands resolved, therefore, on merits, no adjudication is required. Thus, the writ petition is disposed of with a direction that if the petitioner appears before the respondent No.2 on 24.02.2023 for completion of pending formalities relating to the transfer of subject booth, the respondent No.2 shall complete the process of transfer within next two weeks.

(MANOJ BAJAJ)
JUDGE

16.02.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No