

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21703-2023

Date of decision:14.11.2023

Manpreet Singh Kang

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present: Mr. P.S. Khurana, Advocate,
for the petitioner.**

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following substantive relief:

“CIVIL WRIT PETITION under articles 226/227 of constitution of India for the issuance of writ in the nature of certiorari quashing the demand raised by GMADA dated 25.5.2023 as objection on the application (ID No.36497) submitted by the petitioner for transfer of ownership of plot No.2649, Sector 79, SAS Nagar, Mohali with regard to submission of the affidavit to deposit the amount in lieu of demand notice (Annexure P-3) as being illegal, arbitrary and in contravention to No Objection Certificate dated 20.4.23 issued against plot No.2649, Sector 79, SAS Nagar, Mohali (Annexure P-1) as well as recital of registered sale deed dated 7.6.23 (Annexure P-2),

Further for the issuance of writ in the nature of mandamus directing the respondent No.2 to transfer the plot No.2649, Sector 79, SAS Nagar, Mohali measuring 507.5 sq. yards in the record of the respondent No.2 and issue transfer certificate in the name of the petitioner, in the interest of justice.”

Learned counsel for the petitioner submits that vide sale deed dated 11.05.2023 (P-2), the petitioner has purchased plot No. 2649, Sector-79, SAS Nagar (Mohali) from Rupan Singh Chawla, for a sale consideration of Rs.1,95,00,000/-. In reference to the communication dated 20.04.2023 (P-1), he submits that prior to the execution of the sale deed, vendor of the petitioner had obtained the requisite permission/No Objection Certificate from the respondent authorities to transfer the said property in his name. However, the petitioner has been informed that ownership of the said plot/site shall be transferred only if he submits an affidavit that all pending dues against the site in question will be cleared by him. It is urged that the requisite permission/NOC granted by the authorities on 20.04.2023 pre-supposes that no outstanding dues are pending against the property. Therefore, any demand that is being made by the respondent authorities in this regard is erroneous and arbitrary. Further, it is submitted that prior to the institution of this petition, petitioner had even served the authorities with a representation dated 12.06.2023 (P-4). However, even though a considerable time has elapsed, but the matter has not made any tangible progress.

Served with the advance copy of the petition, Mr. V.G. Jauhar, Additional Advocate General, Punjab, is present in Court. He controverts the claim of the petitioner and submits that the permission/NOC, granted by the authorities to transfer the plot/site in favour of the petitioner, has no relevance in so far as pending dues against the property in question are concerned. Therefore, before the plot/site is actually transferred/mutated in the name of the petitioner, he is obliged to clear all pending dues and obtain a 'No Due Certificate' from the authorities. Be that as it may, he submits that since the competent authority is alleged to be in seisin of the representation submitted by the petitioner qua his concerns/grievances, let this petition be disposed of, at this stage, to enable it to examine/deal therewith and pass appropriate orders, in accordance with law.

To this, learned counsel for the petitioner submits that let this petition be disposed of, in terms of the statement made by learned counsel for the respondents. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for the respondents submits that the appropriate orders on the representation of the petitioner shall be passed, in accordance with law, within a period of three months from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties

This Court is sanguine that the authorities shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed within the time indicated by the learned counsel for the respondents.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

14.11.2023
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No