

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 25769 of 2023

Date of decision: 29.11.2023

Krishan Kumar

.... Petitioner

Vs.

**Greater Mohali Area Development Authority
PUDA, Bhawan, SAS Nagar Mohali and others**

.... Respondents

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

Present: Mr. Aman Bansal, Advocate
for the petitioner.

Mr. V.G. Jauhar, Addl. Advocate General, Punjab.

ARUN PALLI, J (Oral)

The petitioner herein has prayed for the following substantive relief:

“Petition under Articles 226/227 of the Constitution of India seeking issuance of an appropriate writ in the nature of mandamus directing the respondents to refund the rent amount of 16 months which was collected by rented out the apartment of the petitioner without his consent and knowledge to one PCS officer and also to refund the maintenance for the said period of 16 months as till today neither the account statement pertaining to the apartment has ever been supplied to the petitioner despite of various reminders and nor till today they have refunded the amount which was collected in an illegal manner but the same belongs to the petitioner and the malafide on the part of the respondents can be established that despite of serving legal notice dated 22.09.2023 (Annexure P-8) till today no positive steps has been taken and no reply of the legal notice has been given.

AND

Issuance of writ in the nature of mandamus directing the respondent no.1 to mark an independent and impartial enquiry against the guilty officers who instead of providing the peaceful vacant possession, had rented the apartment of the Petitioner without the consent and knowledge though it is an admitted fact that the petitioner had paid the entire amount in 2016, in view of the present facts and circumstances.”

Learned counsel for the petitioner submits that apartment No.103, Tower-5, Block-A, Ground Floor, Type-3, Purab Premium Apartment, Sector 88, SAS Nagar, Mohali, was allotted to the petitioner on 13.07.2016. He submits that the entire sale consideration stood deposited in August, 2016 itself. But, despite that, the petitioner was not delivered actual physical possession of the apartment. He submits that it was only on June, 30, 2023, the authorities delivered possession of the premises to the petitioner. However, prior to that, in November 2022, when the petitioner inspected the site, to his dismay, it was found that a lady PCS Officer was residing in the site and subsequently, it transpired that the authorities had even realized rent from the occupant. He submits that prior to the institution of this petition, the petitioner had even served the authorities vide notice dated September 22, 2023, but that too has failed to evoke any response.

Upon being served with an advance copy of the petition, Mr. V.G. Jauhar, Additional Advocate General, Punjab, for respondents is present in Court. On instructions from Ms. Neelam Bhardwaj, Law Officer, he submits that as the competent authority is already in seisin of the concerns/grievances of the petitioner, it shall be expedient if this petition is disposed of, to enable the competent authorities, to pass appropriate orders on the representation/notice submitted by the petitioner. He further submits that necessary orders shall be passed within two months from today after affording an opportunity of hearing to the petitioner.

Learned counsel for petitioner is agreeable to the course suggested by the learned counsel for respondents and submits that let this petition be disposed of in view of the statement made by him.

In the wake of the position sketched out above, this petition is accordingly disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the authorities shall consider/examine the matter in issue, and pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

29.11.2023
deepak

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