

105 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11271-2021 (O&M)

Date of decision : 16.01.2023

Jagjit Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Suvir Sidhu Advocate
for the petitioner.

Mr. V.G. Jauhar, Addl. A.G., Punjab.

Ms. Shubra Singh, Advocate for CBI.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-15091-CWP-2022

For the reasons mentioned in the application, the same is allowed and sale deed dated 03.08.1987 (Annexure P-17) is taken on record subject to just exceptions.

CWP-11271-2021

On the last date of hearing i.e. 22.09.2022, following order was passed:-

“The petitioner is the owner of house constructed on plot No.131 Phase-IV Mohali, which was purchased by him vide sale deed dated 03.08.1987 (Annexure P-17). The original papers of the said property have been taken into custody by the CBI in case FIR No.RC1/1987-SIU-II/CBI under Sections 120, 395, 398, 342, 171, 412 IPC, Section 25 Arms Act and Sections 3, 4, 5, 6 of the TADA. The petitioner, his brother-Baba Dalip Singh and some others were accused in the said FIR. The petitioner was made an approver in this case. He was discharged by the Trial Court vide order dated 01.06.1996. His brother has not faced trial. The other accused were convicted by learned Trial Court. However, they were acquitted by the

Hon'ble Supreme Court. The only claim of the petitioner is that as the original papers concerning the said property have been taken into possession by the CBI, he is unable to get plans for modifications/alterations in the said building approved from GMADA. He undertakes that except for making modifications/alteration the petitioner shall not alienate the property in any manner at this stage. Adjourned to 16.01.2023. Ms. Shubra Singh, learned counsel for CBI may have instructions as to whether the CBI has any objection to the petitioner applying for the said alterations/modifications before GMADA on the basis of certified/attested copies. Mr. Jauhar, Ld. Additional Advocate General, Punjab is also requested to have instructions from GMADA as to whether modifications/alterations intended to be carried out by the petitioner can be approved on the basis of certified/ attested copies of the original property papers. Mr. Sidhu, learned counsel for the petitioner states that the petitioner would apply for obtaining certified/attested copies of the property papers before the concerned Registrar.”

In pursuance to the said order, learned counsel for the CBI has stated that she has no objection to an application being moved by the petitioner before the CBI Court for supply of the certified copies of the documents. She further states that these documents which are sought to be relied upon by the counsel for the petitioner are lying with the Court of the Additional Sessions Judge, Ludhiana having the jurisdiction. She further states that an appropriate application therefore will have to be moved by the petitioner before the said Court.

Learned counsel for the respondents on instructions from Inspector R.K. Yadav informs that GMADA would have no objection in case the certified/attested copies of the original property papers are produced before it. He further states that on submission of such documents, the request of the petitioner would be considered as per applicable rules within a period of six weeks of such submission of the documents complete in all respects.

Learned counsel for the petitioner contends that the request as of now is not for the transfer of the property but only for the modification of the site plan including alternations therein.

In the light of the statement made by the counsel for the parties, it would be open to the petitioner to move an appropriate application before the Additional Sessions Judge, Ludhiana, where the case property, according to the CBI counsel, at present is lying. The appropriate Court shall proceed to pass an order on the same as the CBI counsel has no objection to the supply of the certified copies of the documents.

In case an appropriate application is moved along with relevant documents on the request, as the counsel has made above, the application of the petitioner would be considered by the competent authority and appropriate decision taken thereon within a period of six weeks.

The writ petition stands disposed of in above terms.

(AUGUSTINE GEORGE MASIH)
JUDGE

16.01.2023
R.sharma

(VIKRAM AGGARWAL)
JUDGE

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