

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1871-2024(O&M)
Date of decision: 30.01.2024

Kulwant Kaur and another
... Petitioners
Versus
State of Punjab and another
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Gulshan Sharma, Advocate,
for the petitioners.
Mr. V.G. Jauhar, Addl. AG, Punjab.

ARUN PALLI, J. (Oral)

A mandamus is prayed for, to command the respondents to transfer plot No.289, measuring 500 sq. yards at Eco-City II, New Chandigarh, in the name of the petitioners.

Learned counsel for the petitioners submits that the above-indicated site/plot was allotted to Late Sarabjeet Singh Sidhu, who passed away on 19.05.2021. The petitioners being his widow and son, applied for transfer of the said plot/site vide application dated 22.06.2021 (P-2), which was responded by the Assistant Estate Officer, GMADA, SAS Nagar, vide communication dated 24.11.2021 (P-3). Whereby, certain documents were sought from the petitioners to process the procedure of transfer. It is urged that petitioners, vide letter dated 17.03.2022, furnished all the documents that had been asked for, such as Certificate issued by the Defence Services Welfare Department dated 14.12.2021 (P-5), No Dues Certificate issued by ICICI

Bank, dated 05.05.2022 (P-6), and the Legal Heir affidavit dated 17.03.2022 (P-7). However, he asserts, the matter has not made any tangible progress to date.

Served with the advance copy of the petition Mr. V.G. Jauhar, Additional Advocate General, Punjab, is present in Court on behalf of the respondents. At the outset, he submits that as the matter purports to be pending before the competent authority, it would be expedient if the petition is disposed of, at this stage, to enable the respondents to deal with the concerns/grievances of the petitioners. And pass appropriate orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioners would be afforded an opportunity of hearing.

Learned counsel for the petitioners is agreeable to the course suggested by learned State counsel. And submits, let this petition be disposed of in terms of his statement. However, he submits that as the matter is pending for a considerable time, the competent authority be directed to take a decision within a specified time.

To which, learned State counsel submits that the necessary orders, after affording an opportunity of hearing to the petitioners, shall be passed within a period of four weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated

above, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

30.01.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO