



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15872-2024

Date of decision: 15.07.2024

Rajvinder Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. L.M. Gulati, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuing direction to the respondent No.2 and 3 to handover the vacant possession of the flat No.6 MIG (Type-2), GF situated at Ajnala Road, Block-C, Scheme Ranjit Avenue, Amritsar to the petitioner, as the petitioner had purchased the said flat vide agreement to sell dated 08.05.2012 (Annexure P-1) on the basis of which the learned Civil Judge (Jr. Div) Amritsar has passed the decree dated 02.04.2016 (Annexure P-2) in favour of the petitioner and directed the respondent No.3 to transfer the flat in favour of the petitioner and respondent no.3 has transferred the flat in favour of the petitioner vide letter dated 21/3/2017 (Annexure P-3) but despite that the respondent no.2 & 3 have failed to deliver



the vacant possession of the flat to the petitioner despite the fact that the petitioner has deposited all the dues of the flat to the respondent no.2 & 3 and has also ready and willing to deposit any further due.”

Learned counsel for the petitioner submits that in a declaratory suit filed by the petitioner against respondents No.2, 4 and 5, the Civil Judge (Junior Division), Amritsar, vide judgment and decree dated 02.04.2016 (P-2), had held that plaintiff was entitled for allotment of one MIG (Type-2), Flat No.6, GF, situated at Ajnala road, Block C, Scheme Ranjit Avenue, Amritsar. Accordingly, defendants No.1 and 2 (respondents No.4 and 5 herein), were directed to transfer the flat in question in favour of the plaintiff (petitioner). Likewise, he submits, that defendant No.3 (respondent No.2) was also required to transfer the said flat in favour of the petitioner within three months, after receipt of all the remaining/outstanding dues:-

“ In view of my findings on the above issues, the suit of the plaintiff is hereby decreed with the condition that plaintiff is to deposit the required court fee within one month from the date of order as execution of agreement to sell dated 8.5.2012 Ex P4 has been proved on record and it has also been proved on record that on 16.7.2012 plaintiff paid Rs. 2,50,000/- to the defendants no.1 and 2, on 8.5.2012 an amount of Rs. 2,00,000/- was paid by the plaintiff to defendants no.1 and 2 and 28.9.2013 an amount of 4,75,000/- and on 8.5.2012 an amount of Rs.1,00,000/- has been paid by the plaintiff to defendant no.1 and 2. In these circumstances it has been held that sufficient amount has been paid by the plaintiff to defendants no.1 and 2. Thereafter, it is also held that the plaintiff is entitled for the allotment of one MIG (Type-2), Flat no.6, GF situated at Ajnala road, Block C Scheme Ranjit Avenue, Amritsar and defendant no.1 and 2 are directed to transfer the plot in question in favour of plaintiff after fulfillment of all the necessary formalities as per law and after receiving of balance amount from the plaintiff if



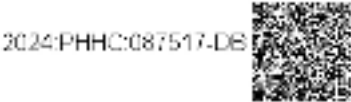
any. The defendant no.3 is directed to transfer the abovesaid flat in favour of the plaintiff within 3 months after receiving all the remaining amount due from the side of the plaintiff subject to rules....”

It is submitted that since the petitioner complied with the necessary formalities and there was no outstanding dues against him, the respondent-Trust, vide communication dated 21.03.2017 (P-3), transferred the said flat in his favour, subject, however, to certain conditions enumerated therein. It is urged that the limited grievance that the petitioner has is: even though, over a period of seven years has gone by since transfer of the flat in his favour, but to date, the respondent-Trust has failed to deliver actual physical possession. Accordingly, he asserts that the inaction and insensitivity at the end of the respondent-Trust is apparent.

Served with the advance copy of the petition, Mr. Jasdev Singh, learned Deputy Advocate General, Punjab, on behalf of respondents No.1 to 3, is present in Court. At the outset, he submits that in the given circumstances, there is hardly any impediment in the way of the respondent-Trust to deliver actual physical possession. However, he submits that let the petition be disposed of, at this stage, to enable the respondent-Trust to examine the concerns/grievances of the petitioner, as set out in the petition, and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall be heard, for which a formal communication shall also be issued.

Learned counsel for the petitioner is in agreement with the course suggested by learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the respondent-Trust be directed to do the needful, within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of two 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 is accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by learned State counsel.

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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

15.07.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No