



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 17745 of 2024

Date of decision: 31.07.2024

Bhag Singh Verma

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. PradeepVirk, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

Petitioner (Bhag Singh Verma) has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuing a writ in the nature of Certiorari for quashing the impugned order dated 22.02.2017 (Annexure P-2) and noting dated 02.04.2024 (Aannexure P-11) passed by respondent No.3, whereby the allotment of the dwelling unit/house NO.1303, H.I.G. Category, Phase 2, Part 1, Urban Estate, Bathinda was cancelled and the appeal filed by the petitioner was dismissed vide order dated 30.10.2017 (Annexure P-3) by respondent No.2 and even the revision filed by the petitioner was also dismissed by the Revisional Authority vide order dated 23.10.2018 (Annexure P-4), being illegal, arbitrary and unconstitutional .

Issuance of an appropriate writ, order or direction especially a writ in the nature of mandamus directing the official respondents to restore the allotment of the aforesaid dwelling unit forthwith.”

Learned counsel for the petitioner submits that vide allotment letter dated June 23, 1999 (P-1), the petitioner was allotted a dwelling unit



No.1303, H.I.G. Category under self-financing scheme at Bathinda. However, owing to an illegal construction, that was alleged to have been raised by the petitioner, vide order dated February 22, 2017 (P-2), the allotment made in favour of the petitioner was cancelled. It is submitted that aggrieved by the said order, the petitioner preferred an appeal, which too was dismissed on October 31, 2017. Thereafter, he had assailed those orders by way of revision before the Special Secretary-cum-Revisional Authority, Department of Housing and Urban Development, Government of Punjab, Chandigarh. However, the revisional authority, vide order dated October 23, 2018 (P-5), directed the petitioner to remove non-compoundable construction and also to deposit the complete compounding fee (Rs.3,59,542/-) with the Estate Officer, B.D.A., Bathinda within 30 days. And, it was observed that in the event of default or if the petitioner fails to tender the outstanding dues, the order of resumption dated February 22, 2017 (P-2) would stand revived. He submits that owing to unforeseeable circumstances the petitioner was faced with, and the multiple ailments he suffers from, he was unable to comply with the orders passed by the revisional authority. Further, the petitioner is a retired Government employee and has no other source of income except a meager pension he draws. However, he, some how, arranged Rs.3,59,542/- from his relatives and deposited the same with the authorities, vide demand draft No.241677 dated 05.05.2022, which was duly received by the respondent authorities vide receipt No.990 dated 05.05.2022. It is urged that, in fact, a dispute has arisen between the petitioner and his neighbour Gulzar Singh of H.No.1304, with regard to seepage of water in the common wall, which led to the filing of the complaints against each other. However, he submits that later the said dispute was amicably resolved and they withdrew their respective complaints. With reference to the repeated representations dated March 16, 2023 (P-7) as also August 31, 2023 (P-8), he submits that all non-compoundable violations/deviations have since been removed and the requisite amount having been deposited by the petitioner, in compliance of the order passed by the revisional authority, nothing further was required to be done. However, he submits that yet the authorities, as is discernible from the noting recorded in Annexure P-11 (page 42 to 48), owing to non-deposit



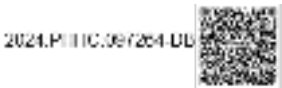
of requisite amount, the subject property was resumed. And, proceedings in terms of Section 41 (1)(b) were sought to be initiated, to evict the petitioner.

Served with the advance copy of the petition, Mr. Jastej Singh, Deputy Advocate General, Punjab, had caused appearance on behalf of the respondents on July 30, 2024 and had prayed for time to seek instructions. Today, he informs us that even though the petitioner had deposited the requisite amount, as regards compounding fee/penalty imposed by the revisional authority, but certain violations/deviations still exist at site. Further, he submits that since the amount was required to be deposited within 30 days of the order passed by the revisional authority, but was actually remitted on May 05, 2022, the petitioner was obliged to deposit interest (Rs.44,952/-) to square off the liability. However, he submits that in the event the petitioner is ready/willing to set right the non- sanctionable violations, the authorities would revoke/withdraw/cancel the order of resumption.

In response, learned counsel for the petitioner, on instructions, submits that bonafides of the petitioner, cannot be doubted. Further, it is submitted that if the petitioner is afforded reasonable time, even the non-sanctionable violations shall be removed. Further, the demand, as regards interest, would also be met with.

To this, learned State counsel submits that the authorities would constitute a team consisting of experts, who would visit the site, with prior notice to the petitioner, to earmark the non-sanctionable violations. Whereupon, the petitioner would be granted sufficient time to remove the same. And, if within the stipulated time, the petitioner is able to remove all the non-sanctionable violations, and report to the respondents authorities, the subject premises would be re-inspected. And, in the event all the indicated violations are found to have been removed, the competent authority shall pass necessary orders and revoke the order of cancellation/resumption, subject, however, to complying with necessary formalities and depositing the interest.

That being so, learned counsel for the petitioner submits that let this petition be disposed of in terms of the statement made by learned State counsel.



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.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

31.07.2024
deepak

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