

**CWP-18584-2024-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-18584-2024****Date of decision: 29.08.2024**

Tehal Singh

....Petitioner

Versus

U.T. Chandigarh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**Present: Mr. Balwinder Singh, Advocate,
for the petitioner.Mr. Jaivir S. Chandail, Advocate, and
Mr. Rakesh Sobti, Advocate,
for U.T. Chandigarh.Ms. Aashima Mor, Advocate,
for the respondent-Housing Board.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the letter dated 22.05.2024 (P-9), issued by the Accounts Officer (C), Chandigarh Housing Board (respondent No.5), vide which, claim of the petitioner for transfer of a site/dwelling unit No.376, Ramdarbar, Phase-2, Chandigarh, in his name, on the basis of the registered Will dated 10.05.2022 (P-5), executed by his late mother, has since been rejected.

Learned counsel for the petitioner contends that initially, a transit site No.262, Karsan, Phase-2, Ramdarbar, Chandigarh, was allotted in the name of the father of the petitioner (Late Sh. Harbans Singh), vide allotment letter dated 21.07.1980 (P-1). He submits, subsequently, vide communication dated 15.06.1982 (P-2), father of the petitioner was allowed to change the allotted site/unit with transit site No. 376, Karsan, Phase-2, Ramdarbar, Chandigarh, on the same terms/conditions on which the original site was allotted, however, subject to certain other conditions. Further, he submits that the said letter also recited that the allottee would deliver the vacant possession of the original site to the Rent Clerk of the area within a week. Accordingly, he

**CWP-18584-2024-2-**

asserts that upon being allotted the subject site, actual physical possession of the original site was handed over to the authorities. It is submitted that post death of the father of the petitioner, his mother, vide letter dated 09.07.2021, moved the respondent authorities for transfer of the site in her name, along with requisite charges. However, the said letter was rejected on 06.08.2021 (P-4), for the original records were not available with the respondent authorities. Whereafter, he submits that even mother of the petitioner expired on 04.11.2022. And, vide a registered Will dated 10.05.2022 (P-5), she bequeathed her right/title/interest in the subject site in favour of the petitioner. Accordingly, the petitioner applied for transfer of the subject site in his name, as also for refund/adjustment of an amount of Rs.12,036/-, deposited by his late mother. It is urged, for the request of the petitioner remained unaddressed, the petitioner was impelled to serve the respondent-Housing Board with a legal notice dated 31.03.2024 (P-8), which has since been responded to vide impugned letter, whereby his request has been rejected.

We had heard learned counsel for the parties at length, when during the course of hearing, they have reached a consensus: since, in terms of the Licensing of Tenements Sites and Services, Chandigarh Scheme 1979, Estate Officer is the competent authority, the petitioner, in the first instance, ought to have approached him. Be that as it may, it is agreed that the petitioner shall now move a fresh application to the competent authority as regards his concerns/grievances. Further, in the event, any such application is moved, the same shall be taken cognizance of, forthwith. And necessary orders, in accordance with law, shall be passed thereon, as expeditiously as possible. Not just that, before any such orders are passed, the petitioner shall be heard, for which, a formal communication shall be issued to him, well in advance. And, in the given circumstances, the impugned letter dated 22.05.2024 (P-9) be deemed to have been withdrawn/recalled, for the competent authority shall pass orders afresh, as indicated above.

In the wake of the position sketched out above and the consensus that has been arrived at between 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 at the earliest, assigning reasons in support thereof.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

29.08.2024
Ak Sharma

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