



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 22154 of 2024

Date of decision: 24.09.2024

Kamal Shah and another

.... Petitioners

Vs.

Chandigarh Housing Board and others

.... Respondents

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

Present: Mr. Mohak Arora, Advocate
for the petitioners.

Mr. Tarun Kumar Sharma, Advocate for
Mr. Gagandeep Singh Wasu, Senior Standing Counsel
for Chandigarh Housing Board.

ARUN PALLI, J (Oral)

On September 04, 2024, upon hearing the learned counsel for the parties, this Court had passed the following order:

“The petitioners have prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for the issuance of a writ in the nature of Certiorari to set aside the impugned order dated 21.08.2019 (P/8) passed by the Ld. Chairman, Chandigarh Housing Board, UT, Chandigarh whereby the appeal filed by the petitioner no.1 has been dismissed as well as the impugned order dated 14.12.2018 (P/7) passed by the Ld. Chief Executive Officer, Chandigarh Housing Board, UT Chandigarh, whereby the allotment of the dwelling unit of the petitioner has been cancelled illegally and arbitrarily. Further for setting aside the impugned eviction notice dated 28.06.2024 (P-9) as well as



impugned eviction order dated 07.08.2024 (P/11) passed by the Ld. Secretary, Chandigarh Housing Board, UT, Chandigarh whereby the petitioners have been asked vacate the premises, in the interest of justice.

AND/OR

Further for restoring and reviving the allotment of the premises in question in the name of the petitioner No.1.”

Learned counsel for the petitioners submits that House No.5782, Sector-56 (Palsora), Chandigarh, was allotted to petitioner No.1 on Hire-Purchase basis, vide letter of allotment dated 21.07.2000 (P-1). Further, he submits that owing to certain building violations/deviations, such as (a) dwelling unit extended on government land (old); (b) first floor chhajja constructed (both sides) on government land (old); and (c) stair constructed on government land (fresh), the allotment of subject site was cancelled, vide order dated 14.12.2018 (P-7). Being aggrieved, petitioner No.1 preferred an appeal against the said order, which too was dismissed by the Appellate Authority, vide order dated 21.08.2019 (P-8). He asserts that as despite cancellation, the petitioners continued to be in actual physical possession, they were served with eviction notice dated 27.06.2024 (P-9). Whereafter, the eviction order dated 05.08.2024 (P-11) was passed by respondent No.3, under Section 51 (1) of the Haryana Housing Board Act, 1971, (as extended to the Union Territory of Chandigarh). Thus, he fairly submits that there has been some delay in approaching this Court. But, he draws our attention to the disability certificate issued by the Government Medical College & Hospital, Sector-32, Chandigarh, Department of Psychiatry (P-2), and submits that petitioner No.1 suffers from 85% permanent disability and is completely dependent on his wife (petitioner No.2), who, unfortunately, is illiterate. Thus, they had no clue, as to the remedies they



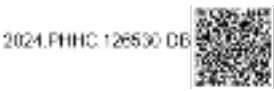
could avail, post decision of the appeal (ibid). And, it was only after petitioner No.1 was served with the eviction order, his children, who are now of an age that they could read and understand from the contents of the notice and the said order that they were sought to be evicted. He submits that most of the alleged violations/deviations are compoundable/sanctionable. As regards non-compoundable/non-sanctionable violations, the petitioners undertake to remove them, forthwith.

Served with the advance copy of the petition, Mr. Tarun Sharma, Advocate, appearing on behalf of Mr. Gagandeep Wasu, Advocate, for the respondent-Housing Board, is present in Court. At the outset, he, on instructions, submits that in the event, the petitioners remove all the non-sanctionable violations/deviations, without any further delay, the Board would consider restoring the subject site. Accordingly, he submits that let the proceedings be deferred by a week, to enable the petitioners to establish their bonafides. Whereafter, upon receipt of intimation from the petitioners, the site, as indicated above, would be inspected and a report, in this regard, would be furnished before this Court by the adjourned date. However, he fairly submits that till then, no coercive measures shall be resorted to against the petitioners.

Adjourned to 24.09.2024.”

Today, we are informed by the learned counsel for the parties that the petitioners have since removed all sanctionable/non-sanctionable violations/deviations and the site is restored in conformity with the norms/specifications. Thus, no violation, as of today, exists at the site.

Accordingly, learned counsel for the Chandigarh Housing Board, on instructions, submits that the order dated December 14, 2018 (P-7), vide which the subject site was cancelled; order dated August 21, 2019 (P-8), whereby the appeal preferred by the petitioners against the order of cancellation was dismissed; as also the eviction order dated August 05, 2024



(P-11), be deemed to have been re-called/withdrawn. And, the petition be disposed of to enable the competent authority (Chairman, Chandigarh Housing Board), to pass formal orders for restoration of the site. And, the said orders shall be passed, if necessary, after hearing the petitioners or their authorized representative, within a week from today.

That being so, learned counsel for the petitioners submits that nothing substantive survives in the petition and same be disposed of in terms of the statement made by the learned counsel for the Board.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

24.09.2024
deepak

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