



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 24194 of 2024
Date of decision: 23.09.2024

Isha Kapoor

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Ranjit S. Bajaj, Advocate,
Mr. Sidakjit S. Bajaj, Advocate and
Ms. Navneet Kaur, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

A mandamus is prayed for commanding respondents No.1 to 3 to issue a No Due Certificate (NDC) as regards the subject property (Plot No.380-B/1), Surya Enclave Jalandhar. And, also to execute the sale deed, deliver possession and approve site plan/building plan to enable the petitioner to construct the allotted site.

Learned counsel for the petitioner submits that the subject property, measuring 356 sq. yds., was initially allotted to Raj Rani Sehgal, Aruna Sehgal and Chanchal Sehgal, in lieu of the originally allotted plot pursuant to the letter of allotment dated August 03, 2011 (P-2) by Jalandhar Improvement Trust, Jalandhar (respondent No.2). Subsequently, the said site was sold by them to one Rajesh Vij, in the year 2011. Further, he submits that the entire consideration/premium of the allotted site has since been remitted, as acknowledged by the respondent trust in its letter dated March 19, 2018 (P-3). Whereafter, pursuant to transfer letter dated July 27, 2021 (P-4), he transferred the same in the name of the petitioner. It is urged that even though a considerable time has already elapsed, but the authorities have apparently failed to issue NDC qua the subject site as also to execute the sale deed in favour of the petitioner. Rather, he submits that the petitioner, who



owned the subject site, has not been even delivered possession and as a result she is unable to construct the same. The repeated representations, the authorities have been served with, have failed to evoke any response. However, the inter-departmental communication, between the officials respondents, dated June 24, 2024 (P-7), July, 2024 (P-8) and July 05, 2024 (P-9), supplied to her, reveals that the reason for non issuance of NDC, and other formalities, the authorities are obliged to carry out, is pendency of the enquiry, qua the subject plot, with the Vigilance Bureau.

Served with the advance copy of the petition, Mr. Sandeep Khunger, Advocate with Mr. Saksham Khunger, Advocate, is present in Court on behalf of respondent-trust. Upon being pointedly asked, as to since when the alleged enquiry is pending and how does the pendency thereof prohibit the respondent trust from carrying out the statutory obligations to deliver possession and execute the sale deed in favour of the petitioner, who is a lawful owner of the subject site, he expresses his inability to clarify this position for want of instructions. However, he submits that considering the nature of issue that arises for consideration, and the harassment the petitioner has been subjected to, it would rather be expedient if the petition is disposed of, at this stage, to enable the respondent trust to take cognizance of the matter and deal with the numerous representations, as also the legal notice dated June 06, 2024 (P-6), it is alleged to have been served with, and pass necessary orders, in accordance with law. Further, he submits that the information the petitioner has sought, vide supplementary legal notice dated July 15, 2024 (P-10), shall also be furnished. He asserts that before any such orders are passed, the petitioner shall also be heard. In this regard, she may appear before the Chairman/Executive Officer of the respondent trust on 27.09.2024 at 11.00 AM. And, accordingly, the necessary orders shall be passed within two weeks thereafter.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondent trust and submits that let the petition be disposed of in terms of the statement made by him.

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.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders within the time indicated by learned counsel for the respondent-trust, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.09.2024
deepak

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