

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CMs-1159 & 1167-2024 in/and
CWP-26216-2023(O&M)
Date of decision: 02.04.2024

Asha Rani and others
... Petitioners
Versus
Union Territory of Chandigarh and others
... Respondents

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

Present: Mr. Pawan Kumar Mutneja, Sr. Advocate, with
Ms. Suverna Mutneja, Advocate,
for the applicants/petitioners.
Mr. Aarav Gupta, Advocate, and
Mr. Anil Sharma, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

Late Ram Lal, husband of petitioner No.1 and father of petitioners No.2 to 6, happened to be a motor mechanic. Being successful in draw of lots, he was allotted booth No.303, Motor Market Complex, Sector 48-C, Chandigarh, for a consideration of Rs.2,84,432/-. It is not in dispute that the allottee paid 25% of the price and agreed to pay the balance 75% in terms of clause 5(a)(iii) of the Letter of Allotment (P-1). However, Ram Lal unfortunately passed away on 24.04.2003. And owing to a default in payment of the balance consideration, the Estate Officer, UT, Chandigarh, vide order dated 28.05.2018, cancelled the allotment on account of non-payment of dues. Thereafter, the appeal as also the revision preferred by the petitioners were also dismissed. Thus, this petition.

Learned Senior counsel for the petitioners submits that it was owing to unforceable circumstances and the extreme penury the family of the allottee was faced with, the requisite amount could not be deposited. However, he submits that the petitioners were always ready and willing to discharge their liabilities in as much as a demand draft of Rs.26,85,605/-, dated 09.08.2023, was placed before the revisional authority. But to no avail.

He further submits that per para 4 of the reply filed on behalf of the respondents, the total outstanding dues as on 31.01.2024, against the petitioners, was Rs.27,55,402/-. It is urged that the petitioners to establish their bonafides have brought a demand draft of Rs.26,85,605/- (No.572199), dated 02.04.2024, issued in favour of Estate Officer, UT, Chandigarh, today in Court.

In response, learned counsel for the respondents submits that if the petitioners are ready to clear all pending dues, they may appear appear before the competent authority (Estate Officer, UT, Chandigarh) on 09.04.2024 @ 11:00 AM, and he has instructions to submit that the authorities would re-consider the matter and restore the site in their favour.

Accordingly, the original draft (**ibid**) presented today in Court is handed over to the learned counsel for the respondents, a photocopy of which is taken on record as Mark 'X'. And, as undertaken by learned Senior counsel for the petitioners, another draft for the balance amount shall also be presented before the competent authority on the date fixed i.e. 09.04.2024. Further, in the event of any default, the petitioners would no longer be entitled to the concession extended by the respondent-authorities and the petition would be deemed to have been dismissed.

In the wake of the above, and in terms of the statements made by

learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

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 petitioners, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

02.04.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO