

CWP-29966-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29966-2024Date of decision: 25.11.2024

Arjun Kumar

....Petitioner

Versus

U.T. Chandigarh and another

....Respondents

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

Present: Ms. Rajwinder Kaur, Advocate, for
Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Edward George, Advocate,
for the respondent-Chandigarh Housing Board.

ARUN PALLI, J. (Oral)

On 06.11.2024, this Court had passed the following order:-

“Learned counsel for the petitioner submits that petitioner (Arjun Kumar) and Asha Devi D/o Bihari Lal, were allotted a Flat No.2642-3 in Sector 49, Chandigarh, under the Chandigarh Small Flat Scheme, 2006, on licence fee, for a period of 20 years, on 22.06.2010. However, he submits that vide impugned notice dated 11.10.2024 (P-2), passed by the Secretary-cum-Competent Authority, the said allotment has since been cancelled, owing to default in payment of licence fee. And, the allottees are required to handover vacant possession of the demised premises within 30 days. He asserts that albeit, per the impugned notice, the total outstanding dues against the petitioner as on 17.09.2024,



*were Rs. 2,07,970/-, but, concededly, he had deposited Rs.20,000/- on 15.10.2019 (P-1) and a further sum of Rs.25,000/- on 22.10.2024 (P-3). Thus, the total amount that is required to be deposited by the petitioner as on 17.09.2024, works out to Rs.1,62,970/-, including interest. It is submitted that the petitioner is an auto rickshaw driver, which too is hired on rent. But, to establish his bonafides, the petitioner is ready/willing to deposit the amount of Rs.1,62,970/- within a week from today, with the competent authority. However, it is urged that in the event, he is dispossessed from the subject property, pursuant to the impugned notice (*ibid*), that would not only cause an irreparable loss to the petitioner but would also virtually render the petition infructuous.*

Notice of motion.

Notice re: stay, as well.

Served with the advance copy of the petition, Mr. Edward George, Advocate, for the respondent-Chandigarh Housing Board, is present in Court, and accepts notice. He prays for a short accommodation to seek instructions and/or submit response.

As prayed, adjourned to 13.11.2024.

To be shown at serial No.1, in the urgent list.

However, in case the petitioner, as indicated above, remits the requisite amount within the stipulated period, the same would be accepted without prejudice to the rights/interest of the respondent authorities, as also their stand in the written statement, which, as prayed for, would be submitted before the adjourned date.”

However, on 13.11.2024, learned counsel for the respondent-CHB had submitted that, albeit, the amount indicated in the order (*ibid*) was deposited by the petitioner, but, in fact, the total amount



outstanding against him was Rs.1,87,877/-. Accordingly, the following order was passed by this Court:-

“With reference to our order dated 06.11.2024, learned counsel for the petitioner submits that the petitioner has since deposited an amount of Rs.1,65,000/-, on 12.11.2024.

Learned counsel for the respondent-CHB prays for a short accommodation to ascertain the true and actual position. However, he submits that, in fact, the total outstanding dues against the petitioner were Rs.1,87,877/-, and thus, the petitioner is required to remit a further sum of Rs.22,877/-.

Faced with this, learned counsel for the petitioner submits that the requisite amount, as indicated above, shall be deposited by the petitioner within a week from today.

Adjourned to 25.11.2024.”

Today, at the outset, learned counsel for the respondent-CHB, as always, fairly submits that the petitioner has even complied with the order dated 13.11.2024, and, for the present, there are no pending dues against him.

Accordingly, learned counsel for the petitioner submits, for the very basis of the order of cancellation of the subject flat is extinct, ends of justice would be met, if the matter is remitted to the competent authority to re-examine the same, and pass orders afresh. Particularly, as the petitioner is ready/willing to be subjected to any terms/conditions and also to clear pending dues, if any, as shall be indicated by the respondents.

In the wake of the orders dated 06.11.2024 and 13.11.2024, (*ibid*), as also the position sketched out above, the matter is remitted to the competent authority to re-visit the same and pass orders afresh, in accordance with law, without being prejudiced by the impugned order dated 11.10.2024 (P-2). Particularly, owing to the changed



circumstances, as demonstrated above. Further, before any such orders are passed, the petitioner shall be heard, for which, a formal communication shall also be issued to him. Consequently, the impugned order, vide which the allotment in favour of the petitioner was cancelled, is set aside.

The petition is accordingly disposed of, in the above terms.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders, assigning reasons in support thereof, shall be passed, at the earliest.

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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

25.11.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No