

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-26943-2023

Date of decision: 10.01.2024

Smt. Karamjeet Sandhu

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Narender Singh, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner prays for a Mandamus commanding respondent No.2 (Director, Town and Country Planning, Haryana), to transfer the ownership of Flat No.2, 3rd Floor, Swastik Vihar, Phase-III, MDC, Sector-5, Panchkula, in her favour as also her sons, being legal heirs of the original allottee and her husband-late Col. Prit Pal Singh Sandhu.

Learned counsel for the petitioner submits that the conveyance deed was executed qua the flat in question on 10.01.2011 (P-1), for Rs.11,35,000/-. Whereafter, even a completion/occupation certificate dated 18.05.2010 was issued. However, Col. Prit Pal Singh Sandhu unfortunately passed away on 17.03.2023. And, the petitioner is alleged to have submitted a legal heir certificate dated 29.05.2023 (P-5), duly attested by Tehsildar, Panchkula, verifying that petitioner and her two sons are the only legal heirs of the deceased. Further, he submits that the limited grievance of the petitioner is that despite this, the property in question has not been transferred in the name of heirs of the deceased. So much so, even the representation dated 26.08.2023 (P-8), the authorities have been served with, has failed to evoke any response. Rather, on the basis of the letter dated 23.07.2009 (P-6), the respondent authorities are insisting upon obtaining a succession/probate certificate from the competent authority for the purpose of transferring the property.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, is present in Court. At the outset, he submits that as the competent authority is already in seisin of the concerns/grievance of the petitioner, let this petition be disposed of, at this stage, to enable it to deal therewith, and pass necessary orders, in accordance with law. And, before any such orders are passed, the petitioner, if so required, shall also be afforded a hearing.

Learned counsel for the petitioner is agreeable to the course suggested by the learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the competent authority be directed to do the needful within a specified time.

In response, learned State counsel submits that the appropriate orders shall be passed within a period of two weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

However, in case the matter is not taken cognizance of by the competent authority and the necessary orders, as indicated above, are not passed, the petitioner shall be at liberty to move a necessary application in this petition itself, for its restoration and appropriate 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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

10.01.2024
Ak Sharma

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