

2025:PH-HC:046280-DB



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

**CWP-8212-2025 (O&M)
Date of decision: 02.04.2025**

Yogul Kapoor

.....Petitioner

Versus

Chandigarh Housing Board and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Ms. Ekta Thakur, Advocate,
and Ms. Shikha, Advocate,
for the petitioner.

Mr. Indresh Goel, Advocate,
for the respondents.

SUDHIR SINGH (ORAL)

By way of the present writ petition, the petitioner has sought issuance of an appropriate writ in the nature of certiorari for quashing the impugned order dated 16.02.2024 (Annexure P-1), whereby application filed by the petitioner for transferring Dwelling Unit No.2113-C, 3rd Floor, Sector 63-C, Chandigarh in his name on the basis of registered Will dated 05.09.2013 (Out of Family) has been rejected.

2. The brief facts of the case are that the aforesaid dwelling unit was originally allotted to one Munshi Ram son of Ami Chand, resident of Jawahar Nagar, Mandi (Himachal

Pradesh) vide allotment letter dated 06.10.2015 (Annexure P-1A). Physical possession of the said property was handed over to said Munshi Ram vide possession letter dated 21.10.2015 (Annexure P-2). Later on, Munshi Ram died on 15.03.2016. However, during his life time, Munshi Ram had executed a registered Will dated 05.09.2013 (Annexure P-4) in favour of the petitioner. After the death of the original allottee, the petitioner had approached the competent authority for transferring the property in question in his favour on the basis of the registered Will dated 05.09.2013 (Annexure P-4). However, vide impugned order dated 16.02.2024 (Annexure P-1), the application of the petitioner for transfer of the property in question in his name has been dismissed.

3. Learned counsel for the petitioner submits that the impugned order dated 16.02.2024 (Annexure P-1) has been passed without considering the guidelines dated 12.11.2018 (Annexure P-8) issued by the Chandigarh Administration, Finance Department, wherein proper procedure to deal with an application for transfer of property on the basis of intestate death/Will/GPA-SPA-WILL transfer cases/Family Settlement and Court Decree, has been prescribed.

4. Served with an advance copy of the petition, Mr. Indresh Goel, Advocate, for the respondents is present in Court and opposes the prayer made on behalf of the petitioner. He further submits that the Will dated 05.09.2013, has been allegedly executed in favour of the petitioner, who was not a

member of the family of testator (Munshi Ram) and the same was not covered under the Circular/order dated 19.12.2017 (Annexure P-7). Thus, the application of the petitioner has been rightly rejected by the competent authority.

5. After hearing learned counsel for the parties and going through the contents of the petition, we find substance in the submissions made on behalf of the petitioner. A perusal of the impugned order shows that while rejecting the application of the petitioner, the respondent-authorities had not properly taken into consideration the guidelines dated 12.11.2018 (Annexure P-8) issued by the Chandigarh Administration.

6. In view of the above, the present petition is allowed; the impugned order dated 16.02.2024 (Annexure P-1) is set aside and the matter is remitted to the authorities concerned with a direction to pass a fresh speaking order in accordance with law while taking into consideration the guidelines dated 12.11.2018 (Annexure P-8).

7. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

02.04.2025

Ajay Prasher

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