
(1999) 03 P&H CK 0108

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 13347 of 1996

Jattu Ram

APPELLANT

Vs

The Chandigarh Administration and Others

RESPONDENT

Date of Decision : 05-03-1999

Acts Referred:

Citation : (1999) 122 PLR 299 : (1999) 2 RCR(Civil) 575

Hon'ble Judges : G.S. Singhvi, J;Amar Dutt, J

Bench : Division Bench

Advocate : Ashok Sehgal, for the Appellant; Devender Singh, for the Respondent

Judgement

G.S. Singhvi, J.—The petitioner has prayed for quashing the orders passed by the Tehsildar Colonies, exercising the powers of the Estate Officer, the Chief Administrator and the Adviser to the Administrator, Union Territory, Chandigarh respectively.

2. It appears from the record that the site allotted to the petitioner was cancelled by the competent authority due to violation of the conditions of allotment and the provisions of Allotment of Low Cost Tenements on Lease-Hold and Higher Purchase Basis Scheme, 1979.

3. During the hearing of the writ petition on 9.2.1999, counsel for the petitioner made a statement that the violation found at the time of passing of order of resumption has been removed. After taking note of his statement, we directed the learned counsel for the Union Territory Administration to instruct the concerned official of the Estate Office to inspect the site and make report. Today, Shri Devender Singh has filed the inspection report prepared by Extra Assistant Engineer Vipin Gupta, a perusal of which shows that no building violation exists at the site and the tenement site is as per standard design.

4. In view of this report, it is dealt that the substratum of the order of cancellation stands removed. Therefore, it appears to be just and proper to declare that the order of cancellation and the subsequent orders passed by the

appellate and the revisional authorities shall not be treated as operative. This shall be subject to the following conditions:-

(i) Within one month from today, the petitioner shall deposit the amount of forfeiture along with interest @ 12%.

(ii) The petitioner shall file a written undertaking that in future he shall not violate the terms and conditions of allotment and the provisions of the Capital of Punjab (Development and Regulation) Act, 1952 and the rules/scheme framed thereunder. This shall also be done within one month.

5. The writ petition is disposed of in the manner indicated above. In case the petitioner commits any violation in future, the respondents shall bring this fact to the notice of the Court by filing miscellaneous application.