

No. CHB/AO-C/2022/

Dated

To

Sh. Mool Chand and Smt. Neeraj
Small Flat no. 631-A, Dhanas
Chandigarh

Subject: - Cancellation order of allotment of Flat No. 631-A, Small Flats, Dhanas, Chandigarh under the Chandigarh Small Flat Scheme-2006.

1. The Chandigarh Administration has floated 'The Chandigarh Small Flat Scheme-2006' vide notification No. 11/06/106-UTFI(2)-2006/6813 dated 06.11.2006 for providing living space which is hygienic, safe carrying basic amenities for the rehabilitation of Slum Dwellers.

2. Application form No. 35647 in respect of Sh. Mool Chand S/o. Sh. Shiv Chand and Smt. Neeraj D/o. Sh. Ram Babu had been received from Estate Office, UT duly recommended as eligible on 16.09.2011 by the Screening Committee, Estate Office, U.T., Chandigarh for allotment of a flat under the Chandigarh Small Flat Scheme-2006.

2. On the recommendations of Screening Committee, Estate Office, U.T., Chandigarh, Small Flat No. 631-A, Dhanas, Chandigarh is allotted to Sh. Mool Chand S/o. Sh. Shiv Chand and Smt. Neeraj D/o. Sh. Ram Babu vide this office allotment No. CHB/CHFS/2006/5218 dated 14.09.2013 on license basis for a period of 20 years.

3. Vide an application dated 05.08.2022, it has come to the notice of the CHB that Small flat no. 631-A, Dhanas, Chandigarh has been sold by the original licensee and Sh. Sunil Kumar is residing in the said flat on rent. Therefore, a report was taken from the Enforcement Officer, CHB regarding the residents of Small flat no. 631-A, Dhanas, Chandigarh and the report of Enforcement Officer, CHB is reproduced as under:-

"The DU no. 631-A, Small Flats, Dhanas, Chandigarh was inspected on 03.10.2022 by CHB Official/officer and it was found that Sh. Sunil Kumar is residing in the above said DU".

4. The allottee was given show cause notice vide letter no. CHB/AO-C/2022/33183 dated 30.11.2022 and provided an opportunity of being heard on 19.12.2022 to show cause in writing as to why license of allotment of Small Flat no. 631-A, Dhanas, Chandigarh should not be cancelled for violating the clause no. 4 & 5 deed of license states reproduced as under:-

"The flat shall be used exclusively for residential purpose and for no other purpose".

"The Licensee shall not sublet, assign by way of General Power of Attorney or otherwise part with possession of the flat".

6. The original licensee/allottee i.e. Sh. Mool Chand appeared in personal hearing on 06.01.2023 before the undersigned and stated that Sh. Sunil Kumar is his cousin and found at the time of Checking. He is living with him since last 02 months but as per the application of Sh. Sunil Kumar, he has been living in house from January 2022. Sh. Mool Chand has also stated that Sh. Manoj Kumar who was alleged to be new owner of this house by Sh. Sunil Kumar is his nephew.

CHB/199
Dated 30/1/23

As per Chandigarh Small Flats Scheme, 2006 that definition of family has been given on Rule 3 (c) which states that:-

"(c) "family" means a family consisting of a person, his or her spouse, children and parents residing with him and it includes earning sons and daughters. Married and earning son above the age of eighteen, shall be considered as a separate family unit provided that such person was living in a separate habitation as identified during the Bio-Metric Survey".

This definition does not include Cousin and Nephew.

The allottee parted with the possession of the flat by allowing a his Cousin and Nephew to stay permanently. Rule 15 of the Chandigarh Small Flats Scheme 2006 states that:

"The allotment of the flat shall stand automatically revoked in the event of contravention of any of the terms and conditions of the scheme."

In view of above facts and rules position, the allottee has violated the terms and conditions of Deed of License prescribed under the Chandigarh Small Flats Scheme-2006. Hence, the allotment of small flat no. 631-A, Dhanas, Chandigarh is hereby cancelled. You are advised to hand over the physical possession to the Chief Engineer, CHB within 30 days from the issue of this order failing which you shall be evicted from the flat as per law

AKH
20/01/23
Secretary-cum-Competent Authority
Under the Chandigarh Small flats Scheme-2006
Chandigarh Housing Board.
Chandigarh

Endst. No. **1688**

Dated **27/01/2023**

A Copy along with cancellation order in r/o Flat no. 631-A, Small Flats, Dhanas, Chandigarh, forwarded for information and necessary action please:-

1. The Chief Engineer, CHB, Chandigarh with a request to initiate the eviction proceedings i.r.o. Small Flat no. 631-A, Dhanas, Chandigarh.
2. PA to Secretary, CHB for kind information.
3. Chief Account Officer, CHB for information and further necessary action.
- ✓ 4. Computer Incharge, CHB, Chandigarh.

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