

No. CHB/AO-C/2024/

Dated

To

Sh. Brij Mohan and Smt. Raj Kumari/Occupant
Small Flat No.1489, Dhanas
Chandigarh

Subject: - Cancellation order of Allotment of Small Flat No. 1489, Dhanas, Chandigarh under the Chandigarh Small Flats 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. On the recommendations of Screening Committee, Estate Office, U.T., Chandigarh, Small Flat No. 1489, Dhanas, Chandigarh was allotted to Sh. Brij Mohan S/o. Sh. Ram Sumier and Smt. Raj Kumari D/o. Sh. Madho Ram vide Allotment letter No. CHB/CHFS/2006/900 dated 02.09.2013 on license basis for a period of 20 years on certain conditions mentioned in Allotment letter and Deed of License.

3. As per Clause 10 of Deed of License wherein licensees shall abide by the terms and conditions of Deed of License and Chandigarh Small Flats Scheme-2006 and shall also abide by the provision of the Capital of Punjab (Development & Regulation) Act, 1952 and rules made thereunder. A general survey was conducted on 06.11.2022 for verifying the original allottees, whether they were residing in their allotted small flats of various sectors/colonies under the Chandigarh Small Flats Scheme 2006 and during the survey, it has been intimated by the occupant to the survey team that said flat has been sold by original allottee/licensee to other person and there is a court case between licensee and occupants. As evident from the case titled Brij Mohan Vs. Suman, CS CJ 2256-2020 pending in the court of Dr. Aman Inder Singh, Additional Civil Judge (Sr. Division), Chandigarh vide Zimni order 27.10.2023.

4. Whereas an application dated 16.09.2022 was received by this office from Smt. Rajkumari and Sh. Brij Mohan wherein Smt. Rajkumari stated that her mother was sick and she needed money for her mother treatment. Therefore, she mortgaged her Small Flat No. 1489, Dhanas to Ms. Suman for Rs. 90000/-.

5. Whereas there is no provision in Small Flats Scheme-2006 to mortgage said flat to anyone being the said flat was allotted on license basis for a period of 20 years.

6. Whereas, this office received another application on 10.10.2022 from Sh. Brij Mohan and Smt. Rajkumari, wherein they have requested to cancel their Small flat and to allot them ground floor in Maloya, Chandigarh in place of Small Flat No. 1489, Dhanas, Chandigarh.

7. Whereas, this office again received another application on 05.01.2024 from Sh. Brij Mohan and Smt. Rajkumari alleging that Mohammad Tahir and Ms. Suman have unlawfully and forcefully taken the possession of your small Flat no. 1489, Dhanas, Chandigarh.

8. In light of the above, it is evident that the allottee has unauthorisedly and illegally parted with possession of Small Flat No. 1489, Dhanas, Chandigarh to Ms. Suman & Mohd. Tahir. Therefore, the allottee/licensee was called upon to Show Cause as to why the license of allotment of Small Flat No. 1489, Dhanas, Chandigarh should not be cancelled for violating terms and condition of clause 5 of the deed of license. The relevant part of the clause is reproduced as follows:-

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

9. The original allottee and Co-allottee i.e. Sh. Brij Mohan and Smt. Raj Kumari attended the personal hearing on 09.07.2024. As per record, at the time of Survey, the occupant stated that this flat has been sold. Thereafter, three different applications dated 16.09.2022, 10.10.2022 and 05.01.2024 have been received from Sh. Brij Mohan and Smt. Raj Kumari on the following issues:-

- (i) Smt. Raj Kumar & Sh. Brij Mohan vide application dated 16.09.2022 mentioned that they have mortgage her small flat No. 1489, Dhanas, to Ms. Suman for Rs. 90,000/- and Ms. Suman not vacating the said house now.

- (ii) Sh. Brij Mohan and Smt. Raj Kumari again mentioned in their request dated 10.10.2022 that the said house was given to Smt. Suman for take care during their visit to their village due to intestate demise of their son. Now they are not vacating their house and prepared a Agreement of this house of Rs. 1,50,000/- and further requested to cancel the Flat no. 1489, Dhanas, Chandigarh and further to allot Small Flat on ground floor at Maloya.
- (iii) Sh. Brij Mohan and Smt. Raj Kumari stated in their requested dated 05.01.2024 that in the year 2015 they entrusted the care and oversight of their property Mohd. Tahir and upon their return he refused to vacate the said Small Flat. Both Mohd. Tahir and Ms. Suman have unlawfully and forcefully taken the possession of their property.

During the personal hearing held on 09.07.2024, allottee and co-allottee stated that they had mortgaged the Small Flat No. 1489, Dhanas, Chandigarh, to Ms. Suman on 15.10.2015 for an amount of Rs. 90,000/-. Regarding possession of the flat, they explained that in lieu of interest on the said amount, possession was given to the mortgagee.

However, it has come to our notice that both allottee and co-allottee illegally mortgaged the flat and allowed another person to stay there permanently. Rule 15 of the Chandigarh Small Flats Scheme-2006 explicitly states that:

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

Furthermore, Ms. Suman and Mohammad Tahir, the present occupants of the flat, were also issued notices to appear in the personal hearing. In response, Mohammad Tahir appeared and stated that Ms. Suman is currently out of station. He further clarified that Sh. Brij Mohan and Smt. Raj Kumari had mortgaged the Small Flat No. 1489, Dhanas, to Ms. Suman for Rs. 1,50,000/- at an interest rate of 3% per month (i.e., Rs. 4500/-) for use and occupation of the property. He submitted a copy of the Civil Suit titled "Brij Mohan son of Sh. Ram Sumer, Raj Kumari daughter of Madho Ram" both residents of house no. 501-C, Small Flat, Dhanas, Sector-41B, Chandigarh Vs. Suman Daughter of Sh. Fula Ram Resident of house no. 1489, EWS Flat, Dhanas, Chandigarh against Ms. Suman, along with the counterclaim filed by Ms. Suman.

In view of facts presented above and rule position, it is evident that allottee and co-allottee have violated the terms and conditions of the Deed of License under the Chandigarh Small Flats Scheme-2006. Therefore, the allotment of Small Flat No. 1489, Dhanas, Chandigarh, is hereby cancelled. They are advised to hand over the physical possession to the Chief Engineer, CHB within 30 days from the issue of this order failing which they will be evicted from the flat as per law.

sd/-
Secretary-cum-Competent Authority
Under the Chandigarh Small flats Scheme-2006
Chandigarh Housing Board
Chandigarh

Endst. No. 10509

Dated: 23/07/2024

A Copy is forwarded to the followings for information and necessary action:-

1. The Chief Engineer, CHB, Chandigarh.
2. The Enforcement Officer, CHB with a request to initiate the eviction proceedings w.r.t. Small Flat No. 1489, Dhanas, Chandigarh.
3. PA to Secretary, CHB for kind information.
4. The Chief Account Officer, CHB.
5. The Computer Incharge, CHB.

AWM
19/07/24
Secretary-cum-Competent Authority
Under the Chandigarh Small flats Scheme-2006
Chandigarh Housing Board
Chandigarh

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