

No. CHB/AO-C/2024/

Dated

To

Sh. Ram Subhag and Smt. Mangari / Occupant
Small Flat No.106-B, Dhanas
Chandigarh

Subject: - Cancellation order of the Allotment of Small Flat No. 106-B, 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. On the recommendations of Screening Committee, Estate Office, U.T., Chandigarh, Small Flat No. 106-B, Dhanas, Chandigarh was allotted to Sh. Ram Subhag S/o. Sh. Bhikhari and Smt. Mangari D/o. Sh. Hira Lal vide Allotment letter No. CHB/CHFS/2006/9429 dated 27.01.2015 on license basis for a period of 20 years on certain conditions mentioned in Allotment letter and Deed of License.

2. 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 abide by the provision of the Capital of Punjab (Development & Regulation) Act, 1952. 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 it was found that other person i.e. Smt. Manju Bind occupying/residing in the said flat unauthorizedly.

3. The clause 4 & 5 of the deed of license states 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"

4. In the meantime an application/complaint dated 20.03.2023 received by this office in which the complainant has stated that Mr. Jitender S/o. Unknown with full family residing at Small Flat No. 106-B, Dhanas, Chandigarh who is not the original allottee and the original allottee Sh. Ram Subhag is not residing till date.

5. The allottee/occupant was given an opportunity of hearing on 09.08.2023 and 04.09.2023 before the undersigned, wherein the allottee has admitted that Smt. Manju Bind is his niece and he had gone to his native village at the time of survey and the allottee has also stated that he is living in the said flat continuously. Therefore, in the personal hearing, he was directed to pay all outstanding dues immediately and Accounts Officer-Colony was directed to conduct surprise checking/survey of said flat.

6. In compliance to the direction of Secretary-cum-Competent Authority, CHB, a report was taken from the Enforcement Officer, CHB regarding the residents of Small Flat No. 106-B, Dhanas, Chandigarh and the reports of Enforcement Officer, CHB is reproduced as under:-

"The DU No. 106, Small Flat, Dhanas has been inspected by Sh. Harish Kumar, AEO-III/JE on 03.10.2023 and 20.10.2023 and Dwelling Unit found locked"

"The DU No. 106-B, Small Flat, Dhanas was inspected on 10.01.2024 and found that Smt. Manju Bind C/o, Sh. Jitender Bind is residing alongwith her family (Aadhaar Copy enclosed)."

7. In view of the reports of Enforcement Officer, CHB dated 10.01.2024, the unauthorised occupants are still residing in Small Flat No. 106-B, Dhanas, Chandigarh and the allottee is not living there. Therefore, the allottee/occupant was given show cause notice vide letter No. HB-AO(Colony)/2023/3110 dated 22.02.2024 and provided an opportunity of being heard on 11.03.2024 to show cause in writing by the said date as to why the license of allotment of Flat No.106-B, Dhanas, Chandigarh may not be cancelled and amount paid be forfeited as per the terms and conditions of allotment letter.

8. Sh. Ram Subhag (allottee) appeared in personal hearing and stated that Smt. Manju Bind is his niece and lives with him due to her old age. He further stated that he is continuously living in the said DU with his niece and her husband. Being a senior citizen, he is taking care from the

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occupants. Further, the allottee Sh. Ram Subhag has been instructed not to allow any relative other than family members to stay with him. During the personal hearing before the Secretary-cum-Competent Authority, CHB, he assured if given the opportunity, he would have the small flat vacated from the said relative. Additionally, he mentioned that he leave for work at 6:00 AM in the morning and return to home by 7:00 PM in the evening. Therefore, the allottee has been given last chance get the small flat vacate from the said relative and Accounts Officer (Colony), CHB was directed by the W/Secretary, CHB to conduct surprise survey/checking at least 4 times after 8:00 PM in the next two months till May 2024 and take further necessary action.

9. In compliance to the direction of Secretary-cum-Competent Authority, CHB, this office has requested the Enforcement Officer, CHB to conduct surprise checking/survey at least 4 times after 8:00 PM in the next two months till May 2024 and report this office that who is residing in the said flat alongwith ID Proof. In response, the Enforcement Officer, CHB has reported that:-

"It is intimated that the DU No. 106-B Small flat, Dhanas was inspected in month of April and May 2024 several times. It was found that Smt. Manju Bind is residing in above said DU (aadhaar card enclosed)".

10. As per inspection report, it is evident that during inspection the allottee was never met, only Smt. Manju Bind was available which proves that the allottee is not residing at Small Flat No. 106-B, Dhanas, Chandigarh and unauthorised occupant i.e. Smt. Manju Bind is still residing in the said flat. The allottee Sh. Ram Subhag/occupant again provided a personal hearing on 15.07.2024. The allottee Sh. Ram Subhag attended the personal hearing and clarified that Smt. Manju Bind is not his real niece. She belongs to his native village. Further he stated that his own family is residing in the village.

As per Chandigarh Small Flats Scheme, 2006 that definition of family has been given under 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".

Rule 15 of the Chandigarh Small Flats Scheme 2006 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."

In view of above, it is evident from the allottee's statement and as per report of the Enforcement Officer, CHB that the licensee has parted with the possession of the Small Flat No. 106-B, Dhanas, Chandigarh by allowing other person to stay permanently and he has not been living in the Small Flat. Therefore, there is no option left with the undersigned except to cancel the licence of Small Flat. Hence, the allotment of Small Flat No. 106-B, Dhanas, Chandigarh is hereby cancelled. The allottee/occupant is 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.

cd
Secretary-cum-Competent Authority
Under the Chandigarh Small flats Scheme-2006
Chandigarh Housing Board
Chandigarh
Dated: 12/08/2024

Endst. No: 11509

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. 106-B, Dhanas, Chandigarh.
3. PA to Secretary, CHB for kind information.
4. The Chief Account Officer, CHB.
5. The Computer Incharge, CHB.

AKM
07/08/24
Secretary-cum-Competent Authority
Under the Chandigarh Small flats Scheme-2006
Chandigarh Housing Board
Chandigarh

CI/CHB/ 4279
Dated 13/08/2024

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