

RESUMPTION ORDER

1. Whereas, the DU No. 5460, MHC, Manimajra Chandigarh was allotted to Sh. R.D Sharma S/o Prabhu Ram Sharma on the terms and conditions stipulated in the allotment letter No. 2542, dated 12.01.1995, Registration No. 395. After that, Conveyance deed has been executed by sub registrar UT Chandigarh vide serial no. 3715, Book no. 1, Volume No. 200, Page No. 112, Dated 08.09.2011.
2. And whereas, as per the condition of the allotment letter the dwelling unit could be used for the purpose of residence only and not for any other purpose. No additions/alterations could be made therein without prior approval of the Board in writing.
3. And whereas, it had come to the Notice of the Board that the following violations have been made in the dwelling unit:
 - Covered 02 No. of balconies with glazing and grill.
 - Encroached area above garage roof by fixing MS grill and opening a gate towards it from balcony.
 - Opened a gate towards govt. land from 01 No. balcony.
 - Govt. land encroached by fixing MS gate. (MS gate is commonly used by DU No. 5459 & 5460).
4. And whereas, it is clear that the allottee/occupant had acted in contravention to the provisions contained in clause 13 of allotment letter and also the provision of Regulation 8-A Capital of Punjab (Development and Regulation) Act, 1952.
5. And whereas, a Show Cause Notice No. CHB/EO./DY.EO-II/2024/1600091 dated 18.06.2024 was served on the allottee/occupant vide which he had been called upon to show cause in writing/personal hearing on 28.06.2024 at 10:00 AM as to why the Registration and Allotment/Tenancy of D/Unit No. 5460, MHC, Manimajra, Chandigarh be not cancelled/resumed and amount forfeited as per terms of the Allotment letter and further action to evict him from the dwelling unit by following the procedure prescribed under rules as framed under Chapter VI of Haryana Housing Board act 1971 etc., as extended to UT of Chandigarh.
6. And whereas he did not remove the violations/encroachments despite having been given five opportunities of hearings till 07.10.2024 for removing the said encroachments/ violations. The details of various SCN and Hearing notices were given to the allottee/occupant as shown in tabular form given below (in days):-

Sr. No.	SCN/Hearing Notice No.	Dated	Time given (No. of days)	Proceedings
1.	1600091	18.06.2024	111	Hearing could not be held
2.	227	15.07.2024	84	Allottee did not present
3.	263	12.08.2024	56	Allottee was directed to remove the violation within 15 days.
4.	311	10.09.2024	27	Allottee was directed to remove violations within 15 days.
5.	338	30.09.2024	7	Allottee did not present

7. And whereas, Dy. Enforcement Officer, CHB stated during hearing on 21.08.2024 the allottee had requested for 15 days time to remove the violation no. 2, 3 & 4 mentioned above and for application for regularization of violation no. (i). He was accordingly directed to remove the violations No. 2, 3 & 4 within 15 days and submit the status report alongwith photographs by 09.09.2024. On 16.09.2024 the allottee did not appear before the undersigned on the date of hearing and on behalf Sh. B.S. Negi appeared and the allottee was given last opportunity to remove the violations within 15 days and was also directed to get the NOC from Fire Officer, UT Chandigarh urgently and apply to CHB for regularization of violations under NBC.
8. And whereas, an inspection was carried out on 01.10.2024 by the Enforcement Wing and it has been reported that none of the above building violations/encroachment have been removed from the said dwelling unit.

9. And whereas, in the proceedings dated 07.10.2024, the allottee did not appear in the hearing. The Dy. Enforcement Officer-II statement is reproduced as under:-

"that a PUC dated 24.09.2024 was received from Sh. R.D. Sharma allottee of DU No. 5460, MHC, Chandigarh in which he has stated regarding some facts regarding NBC, notice against his property, getting NOC of his DU for freehold and mentioned about the representation of Hon'ble MP. Sh. Manish Tiwari to the Hon'ble Administrator, UT, Chandigarh. He also stated that he is 80 years old OPD patient in full support on oxygen for 22 hours day & night and he also stated that in lieu of the above circumstances he wants to live a stress free and peaceful life and also stated that no further notices be issued to him which causes a lot of harassment and mental stress".

And whereas, the last para on 07.10.2024 i.e. date of hearing is as under:-

"The CHB has no intention to unnecessary harass anybody. In view of above, it seems that the allottee has no intention to remove / regularize the violations mentioned in the SCN dated 18.06.2024. The undersigned has no other option left except to cancel the allotment of DU No. 5460, MHC, CHD. Accordingly, the allotment of DU No. 5460 is hereby cancelled. The EO is hereby directed to put up draft cancellation order".

10. Now, therefore, in view of the above facts & circumstances, the undersigned is left with no option but to resume the registration/ allotment of D.U. No. 5460, MHC, Manimajra, Chandigarh under Section 8-A Capital of Punjab (Development and Regulation) Act, 1952. The amount deposited by the allottee stands forfeited in terms of the provisions of the allotment letter on account of breach of terms and conditions of the allotment letter and also the provision of Section 8-A Capital of Punjab (Development and Regulation) Act, 1952.
11. The allottee/occupant is further advised to hand over the possession of dwelling unit in question to the Chief Engineer, Chandigarh Housing Board, Chandigarh within 30 days from the date of issue of this order failing which eviction proceedings shall be initiated against the allottee for eviction from the said premises from the un-authorized possession.

CT/CHB/5178
Dated 03/12/24

Akhil
29/11/24
(Akhil Kumar, DANICS)
Secretary-cum-Estate Officer,
Chandigarh Housing Board,
Chandigarh.

To

1. Sh. R.D Sharma S/o Prabhu Ram Sharma
D.U. No. 5460, MHC, Manimajra, Chandigarh.
2. One copy of this order to be pasted on the entry gate of
D.U. No. 5460, MHC, Manimajra, Chandigarh.

Endst. No. CHB/E.O./Dy.E.O.II/2024/1865413

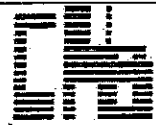
Dated: 02-12-2024

A copy is forwarded to the following for information and necessary action:-

1. The Chief Engineer, Chandigarh Housing Board, Chandigarh for necessary action in the matter. He is requested to furnish the information with regard to taking over possession of the house in question from the allottees after the termination of the period as stipulated in the cancellation order.
2. The Enforcement Officer, Chandigarh Housing Board, Chandigarh for further necessary action.
3. The Chief Accounts Officer, Chandigarh Housing Board, Chandigarh, for information and further necessary action with regard to forfeiture of amount as per condition of the allotment letter.
- ✓ 4. The Computer Incharge, CHB, Chandigarh.

Akhil
29/11/24
(Akhil Kumar, DANICS)
Secretary-cum-Estate Officer,
Chandigarh Housing Board,
Chandigarh.

by
3/12/24



**CHANDIGARH
HOUSING BOARD**

A CHANDIGARH ADMINISTRATION UNDERTAKING

8, Jan Marg, Sector 9-D, Chandigarh
0172- 2511130

No.CHB/E.O./Dy.E.O. II/2024/

Dated:

RESUMPTION ORDER

1. Whereas, the DU No. 5459, MHC, Manimajra Chandigarh was allotted to Sh. Jagdish Chander S/o Sh. Narain Dass on the terms and conditions stipulated in the allotment letter No. 1319, dated 16.08.1994, Registration No. 411. After that Conveyance deed has been executed by Sub Registrar UT Chandigarh vide serial no. 4942, Book no. 1, Volume No. 139, Dated 24.02.2004. It was transferred in the name of Ms. Puja Malhotra D/o Sh. Sarup Malhotra vide no. 25071 dated 15.12.2009. After that, it was again transferred in the name of Sh. Ajay Vir Duggal S/o Sh. B.S. Duggal & Smt. Seema Duggal W/o Sh. Ajay Vir Duggal vide no. 2258-59 dated 22.02.2011. The property was again transferred in the name of Sh. Bhanu Shukla S/o Sh. Ranbir Shukla vide no. 28775 dated 02.12.2016. Further transferred in the name of Sh. Manohar Singh Negi S/o Sh. B.S. Negi & Smt. Shalini W/o Sh. Manohar Singh Negi vide no. 3315 dated 31.10.2017.
2. And whereas, as per the condition of the allotment letter, the dwelling unit could be used for the purpose of residence only and not for any other purpose. No additions/alterations could be made therein without prior approval of the Board in writing.
3. And whereas, it had come to the Notice of the Board that the following violations have been made in the dwelling unit:
 - 1 No. balcony covered with brick work and MS frame with jail, and opened a gate towards govt. land.
 - 1 No. balcony covered with brick work and MS frame with jail.
 - Govt. land adjoining balcony encroached with brick work, MS frame jail for storage purpose.
 - Govt. land encroached by fixing angle iron, PVC jail, toe wall, and MS gate (MS gate is commonly used by DU No. 5459 & 5460).
4. And whereas, it is clear that the allottee/occupant had acted in contravention to the provisions contained in clause 13 of allotment letter and also the provision of Regulation 8-A Capital of Punjab (Development and Regulation) Act, 1952.
5. And whereas, a Show Cause Notice No. CHB/EO./DY.EO-II/2024/1600079 dated 18.06.2024 was served on the allottee/occupant vide which he had been called upon to show cause in writing/personal hearing on 28.06.2024 at 10:00 AM as to why the Registration and Allotment/Tenancy of D/Unit No. 5459, MHC, Manimajra, Chandigarh be not cancelled/resumed and amount forfeited as per terms of the Allotment letter and further action to evict him from the dwelling unit by following the procedure prescribed under rules as framed under Chapter VI of Haryana Housing Board act 1971 etc., as extended to UT of Chandigarh.
6. And whereas he did not remove the violations/encroachments despite having been given five opportunities of hearings till 07.10.2024 for removing the said encroachments/ violations. The following violation and encroachments still exist in the D.U:-

Sr. No	SCN/ Hearing Notice No.	Dated	Time given (No. of days)	Proceedings
1.	1600079	18.06.2024	111	Hearing could not be held
2.	2226	15.07.2024	84	Allottee did not present
3.	262	12.08.2024	56	Allottee was directed to remove the violation within 15 days.
4.	310	10.09.2024	27	Allottee was directed to remove violations within 15 days.
5.	337	30.09.2024	7	Allottee did not present.

7. And whereas Dy. Enforcement Officer, CHB stated during hearing on 16.09.2024 the allottee had requested for 15 days time to remove the violation no. 3 & 4 mentioned above and he was accordingly directed to remove the violations No. 3 & 4 within 15 days and submit the status report alongwith photographs by 01.10.2024. The allottee was also directed to pursue to get the NOC from Fire Officer, UT Chandigarh regarding violation no. 1 & 2 and apply to the CHB for regularization of violations under NBC.

8 And whereas, in the proceedings dated 01.10.2024, the allottee did not appear in the hearing. Enforcement Officer was directed to put up cancellation order for the dwelling unit.

9 And whereas, in the proceedings dated 07.10.2024, the allottee did not appear in the hearing. The Dy. Enforcement Officer-II statement is reproduced as under:-

"that a PUC dated 24.09.2024 was received from Sh. Manohar Singh Negi allottee of DU No. 5459, MHC, Chandigarh in which he has stated regarding some facts regarding NBC, notice against his property, getting NOC of his DU for freehold and mentioned about the representation of Hon'ble MP. Sh. Manish Tiwari to the Hon'ble Administrator, UT, Chandigarh. He also requested to do all the needful accordingly, to avoid unnecessary harassment to him. Dy. EO stated that SCN has been issued against DU No 5459, MHC, Chandigarh on the complaint of Sh. Arun Kumar, Booth No. 23, MHC, Manimajra, Chandigarh dated 16.04.2024 alongwith Affidavit & photographs. Accordingly, SCN dated 18.06.2024 was issued to the allottee of DU No. 5459, MHC, Manimajra, CHD.

And whereas, the last para on 07.10.2024 i.e. date of hearing is as under:-

"The CHB has no intention to unnecessary harass anybody. In view of above, it seems that the allottee has no intention to remove / regularized the violations mentioned in the SCN dated 18.06.2024. The undersigned has no other option left except to cancel the allotment of DU No. 5459, MHC, CHD. Accordingly, the allotment of DU No. 5459 is hereby cancelled. The EO is hereby directed to put up draft cancellation order"

10. Now, therefore, in view of the above facts & circumstances, the undersigned is left with no option but to resume the registration/ allotment of D.U. No. 5460, MHC, Manimajra, Chandigarh under Section 8-A Capital of Punjab (Development and Regulation) Act, 1952. The amount deposited by the allottee stands forfeited in terms of the provisions of the allotment letter on account of breach of terms and conditions of the allotment letter and also the provision of Section 8-A Capital of Punjab (Development and Regulation) Act, 1952.

11. The allottee/occupant is further advised to hand over the possession of dwelling unit in question to the Chief Engineer, Chandigarh Housing Board, Chandigarh within 30 days from the date of issue of this order failing which eviction proceedings shall be initiated against the allottee for eviction from the said premises from the un-authorized possession.

CHB/5177
Dated 23/12/2024

Akhil
29/11/24
(Akhil Kumar, DANICS)
Secretary-cum-Estate Officer,
Chandigarh Housing Board,
Chandigarh.

To

1. Sh. Manohar Singh Negi & Smt. Shalini
D.U. No. 5459, MHC, Manimajra, Chandigarh.
2. One copy of this order to be pasted on the entry gate of
D.U. No. 5459, MHC, Manimajra, Chandigarh.

Endst. No. CHB/E.O./Dy.E.O. II/2024/1865365

Dated: 02-12-2024

A copy is forwarded to the following for information and necessary action:-

1. The Chief Engineer, Chandigarh Housing Board, Chandigarh for necessary action in the matter. He is requested to furnish the information with regard to taking over possession of the house in question from the allottees after the termination of the period as stipulated in the resumption order.
2. The Enforcement Officer, Chandigarh Housing Board, Chandigarh for further necessary action.
3. The Chief Accounts Officer, Chandigarh Housing Board, Chandigarh, for information and further necessary action with regard to forfeiture of amount as per condition of the allotment letter.
4. ✓ The Computer Incharge, CHB, Chandigarh.

Akhil
29/11/24
(Akhil Kumar, DANICS)
Secretary-cum-Estate Officer,
Chandigarh Housing Board,
Chandigarh.

by
3/12/24