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(EVICTION ORDER)

**U/s 51 Sub-Section (1) of Haryana Housing Board, Act
(as extended to Chandigarh)**

To

Sh.Dharma S/o Sh.Fakar/Occupant
House No.3543, Sector 56 (Palsora)
Chandigarh

Whereas, the undersigned is satisfied that you have unauthorizely occupied the Dwelling Unit No.3543, Sector 56 (Palsora), Chandigarh from 12.02.2007. The allotment of the dwelling unit has been cancelled by the Chandigarh Housing Board, Chandigarh vide CEO, CHB order No.2249-50 dated 12.02.2007 due to violation of provisions under Clause 13, 19 & 21 of the allotment letter and also the provision of Regulation 17 of Chandigarh Housing Board (Allotment, Management & Sale of Tenements) Regulations, 1979.

Whereas, you had filed an appeal before the Chairman, CHB on 09.03.2007 and the same stands dismissed vide order No.20398 dated 24.12.2008. Further, you had again filed an appeal before the Chandigarh Housing Board on 10.02.2009. The said appeal was taken up in the 355th meeting held on 03.06.2010 vide Agenda item No.355.3.6. The Board had rejected the appeal and confirmed the cancellation order passed by CEO, CHB. The order was communicated to you vide No.2365 dated 06.07.2010. Thereafter, you had also filed a Revision Petition No.124 of 2010 before the Advisor to the Administrator, U.T., Chandigarh. The same stands dismissed on 25.05.2013 and order released on dated 25.09.2013. The same was communicated to you vide No.279 dated 22.10.2013.

And whereas, you had filed a CWP No.45/2014 before the Hon'ble Punjab & Haryana High Court. The Hon'ble Court passed orders on 21.05.2015, which is reproduced as under:-

"As per revised survey report dated 02.03.2015 submitted by the Board, violation No.1 and 4 were still existing and the stair constructed on Govt. land with mumty is not as per plan. Counsel for the parties have not disputed press note dated 11.05.2015 whereby the Board has been authorized to amend Clause F (iv) of the order dated 23.03.2010 relating to Need Based Changes. As per press note, the owner is entitled to submit his documents with fee/charges for the purpose by 31.12.2015.

In view of the right given to the owner for regularization of Need Based Changes, without meaning to express any opinion on the additions/changes made by the petitioner, the petitions stand disposed of with a direction to the respondents to consider case of the petitioner in the light of the latest decision of the U.T., Administration empowering the Board to regularized the need based changes. However, the petitioner shall approach the concerned authority within the stipulated period in compliance thereto;"

As per the orders of the Hon'ble High Court you were entitled to submit your request for regularization of Need Based Changes along with required documents with fee/

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charges by 31.12.2015. You had applied for regularization vide letter dated 29.12.2015 in response to which the discrepancies in the application were intimated to you vide letter No.02 dated 11.01.2016. Thereafter, permission to make need based changes in dwelling unit was also accorded by W/Secretary, CHB vide No.866 dated 22.12.2016 with the condition that construction will be completed within period of One year from the date of issue of letter and as per the approved drawing, failing which the allottee shall be required to submit a fresh plan for consideration of the Board. But, you had neither constructed nor removed / set right the violations as per approved plan till date.

Meanwhile, you had filed an appeal before W/Chairman, CHB 03.03.2016, which was preferred before W/Chairman, CHB on 07.09.2016. The W/Chairman, CHB passed orders vide which you were given two months time to remove the violations / encroachments. In case non compliance of orders, cancellation order dated 12.02.2007 issued by W/CEO, CHB shall remain in force. The order was communicated to you vide No.957-59 dated 19.09.2016

Thereafter, you had filed an appeal before the Advisor to the Administrator, U.T., Chandigarh on 15.11.2016, which was heard on 17.01.2017. The competent authority passed order on 06.02.2017 that you will regularize/complete the constructions (as per Need Based Changes) within a period of one year from the date of dispatch of this order, failing which the order of CEO, CHB dated 12.02.2007 shall become operative. The revision of petition was disposed off accordingly.

And whereas, the Hon'ble Punjab & Haryana High Court, Chandigarh passed order on dated 30.10.2024 in COCP No.3914 of 2024 titled as Dharma Vs Rajeev Verma, IAS, Chairman, CHB and another that "**At this stage, learned counsel for the respondents assure the Court that eviction notice dated 28.06.2024 and eviction order dated 20.09.2024 shall be withdrawn within a period one week from today.**

In view of the above, learned counsel for the petitioner does not press the present petition any further.

Dismissed as not pressed.

It is made clear that in case the needful is not done, the petitioner would be a liberty to seek revival of the present contempt petition and the officer concerned to remain in Court on the day of its listing".

And whereas, Eviction Notice & Eviction Order issued to said dwelling unit vide No.219 dated 28.06.2024 & No.351 dated 20.09.2024 respectively have been withdrawn vide No.1955553 dated 31.01.2025. You were also requested to file an affidavit stating that there are no violations / encroachments in your dwelling unit No.3543, Sector 56, Chandigarh vide above said letter, but you have not submitted the same till date. But, you had deposited penal charges of Rs.5222/- (including GST) for one year on account of temporary exemption for demolition of violations. The scheme of Penal Charges has been discontinued after December, 2022.

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And whereas vide Eviction Notice No.1116 dated 28.05.2025, you were directed to tender an explanation and produce evidence, if any, within 14 days from the date of the service of the notice. But you failed to tender an explanation and produce evidence.

And thereby you have acted in contravention of the terms & conditions under which you were authorized to occupy and use the premises schedule given below Dwelling Unit No.3543, Sector 56 (Palsora), Chandigarh.

Now, therefore, in exercise of the Powers conferred on me by Sub-Section (1) of Section 51 of Haryana Housing Board, Act, 1971 as extended to the Union Territory of Chandigarh, I hereby order you (as well as other occupants who is/are in occupation of the whole/a part of the said premises), to vacate the said premises within **one month** from the date of service of this notice, failing which you may be evicted forcibly unless you comply with the terms contravened by you.

SCHEDULE

Full particulars of the premises

Sh.Dharma S/o Sh.Fakar/Occupant
House No.3543, Sector 56 (Palsora)
Chandigarh

AKM
02/12/25
Secretary, Chandigarh Housing Board,
Exercising the Powers of Competent
Authority Under Chapter VI of
Haryana Housing Board Act, 1971 as
Extended to U.T. of Chandigarh

No. 1948
Date 4/02/25

A copy is forwarded to the In-charge Computer, CHB for uploading on CHB website

N.B. If personal service through adult member of family, is not possible or refusal it be served affixing a copy at place of residence or business.

CI/CHB/2904
Dated 05/12/25

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