

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11861 of 2011
Date of Decision: 12.02.2013

Court on its own motion

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE A.K. SIKRI, CHIEF JUSTICE
HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.J.S. Puri, Addl. A.G. Punjab.

Mr.B.S. Rana, Addl. A.G. Haryana.

Mr.Rupinder S. Khosla, Advocate, for PUDA.

Mr.Sanjay Kaushal, Advocate, for UT, Chandigarh.

RAKESH KUMAR JAIN, J.

A public spirited person brought to the notice of the Administrative Judge, Gurgaon, need for setting up "*property protection cells*" in the State of Punjab, Haryana and U.T., Chandigarh to prevent or at least minimize the cases of land grab and to safeguard the property of owners which are sold in some cases behind their back by the imposters through fraudulent transactions.

At the first instance, the matter was referred to the

was ordered to be taken up on judicial side in this petition by this Court on its own motion.

Pursuant to the notice issued to both the States of Punjab and Haryana and U.T., Chandigarh, replies have been filed by them.

In reply filed by the State of Punjab, it has been alleged that there are three concerned departments, namely Housing & Urban Development, Revenue and Local Government. Under the control of Housing and Urban Development Department, 7 statutory Development Authorities, namely, Punjab Urban Development Authority (PUDA), Greater Mohali Area Development Authority (GMADA), Patiala Development Authority (PDA), Bathinda Development Authority (BDA), Amritsar Development Authority (ADA), Jalandhar Development Authority (JDA) and Greater Ludhiana Area Development Authority (GLADA), are dealing with the disposal of properties in the Urban Estates falling in their respective jurisdictions and these authorities have set up their independent mechanism for computerization of all records pertaining to allotment and sale of properties. It is stated that every allottee shall be provided a user name and a password, who would be able to track the status of his plot/property with regard to payment and other things.

transactions, yet apart from that, the revenue department is also in the process of computerization of all land records with the help of real owners. The Special Secretary Revenue Department, Punjab vide his office Memo No.577 dated 14.1.2013 has intimated that upto 31.12.2012 jamabandi with regard to 12234 revenue estates have been uploaded on the website (plrs.org.in) of Punjab Land Records Society and in this way, 93% revenue estates have been uploaded. The Chief Secretary, Government of Punjab had also convened a meeting in this regard on 3.1.2013 wherein two cities, Samrala & Phagwara were selected where Pilot Project of giving unique I.D. number to each house will be started for which the departments will designate their officers. Lastly, with regard to Local Government, it is alleged that they have also designated their departmental officers for computerization of property records under the Pilot Project and the work of computerization of land records of the department and its updation is a continuous process which will be expedited.

In reply filed by the State of Haryana, it is stated that the matter has engaged the attention of the Central government as well as State Government and in order to prevent such instances of fraud and to maintain authentic record of title of the properties, Government of India in the

Government of Haryana has circulated a copy of the land Titling Bill for comments and suggestions. However, in the affidavit dated 29/30.1.2013, filed by Mukesh Kumar Ahuja, Deputy Secretary, office of Additional Chief Secretary & financial Commissioner to Government, Haryana, Revenue and Disaster Management Department, it has been alleged that the Ministry of Rural Development of the State of Haryana constituted a Cabinet sub-committee headed by Public Health Minister, Haryana for studying and evaluating the said Bill, who has submitted report dated 8.11.2012 to the State Government, who has considered the recommendations of the committee and accepted the final suggestions of the committee. The State of Haryana has sent its comments vide letter dated 16.1.2013 to the Government of India in this regard.

Insofar as the UT, Chandigarh is concerned, it is alleged that the Estate Officer is working as management agency for all the properties allotted by the Estate office. The ownership details of all the properties allotted by the Estate Office are already on the website but in order to comply with the directions of the Court, the Chandigarh Administration has already decided to digitize the office record pertaining to properties in Chandigarh allotted by the Estate Office. The mechanism of issuing username and password to the owners to

following the practice of issuing 'No Objection Certificate' for sale/transfer of any property in Chandigarh but recently in view of the order passed in CWP No.16227 of 2009 titled as Amritpal Singh Vs. Chandigarh Administration, the said practice has been stopped insofar as the free hold property is concerned. It is further stated that the Administration is now considering to introduce, the requirement of NOC before transferring of any property, in the Chandigarh Estate Rules, 2007 which would further protect the properties from transfer by impersonation and fraud and safeguard the interests of the owners.

We have heard learned counsel for the parties and have also gone through the record from which we have found that in the State of Punjab, Department of Housing & Urban Development having various statutory development authorities is allegedly working for providing user name and password to all the owners of the property, the Revenue Department has uploaded jamabandis containing the ownership with regard to 93% revenue estates on the website and the Local Government is also designating officers in this regard. The State of Haryana, in order to adopt the Land Titling Bill, 2011, conceived by the Central Government, has already made their suggestions/recommendations and the Union Territory,

Estate Office before sale/transfer of the said property within its jurisdiction.

Although all efforts are being made by both the States and U.T., Chandigarh, but still the work in this regard is incomplete, therefore, keeping in view the importance of the issue involved where property of the true owners are being sold/transferred by the unscrupulous imposters, we dispose of the present writ petition with direction to both the State of Punjab and Haryana and U.T, Chandigarh to complete their process already undertaken within a period of six months from today and place their status report on the record of this case.

(A.K. SIKRI)
CHIEF JUSTICE

(RAKESH KUMAR JAIN)
JUDGE

FEBRUARY 12, 2013

Vivek