

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 10442 of 2014 (O&M)
Date of Decision: 29.09.2015

Roshan Lal

..Petitioner

versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE.
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present : Mr. Ajay Pal Singh, Advocate, for the petitioner.
Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for respondent No.1.
Mr. Sandeep Moudgil, Advocate, for respondent Nos.2 to 4.

S.J.VAZIFDAR A.C.J. (Oral)

The petitioner claims that he is entitled to the allotment of a dwelling unit under the 'Ashiana Scheme', which was formulated and published pursuant to an order and judgment of this Court dated 19.04.1999 in a group of writ petitions the first of which was Civil Writ Petition No. 11637 of 1996 *Azad Bharat Colony and another v. State of Haryana and others*.

2. Clauses (i), (ii) and (iii) of the operative part of the impugned order read as under:-

- i) The respondents shall constitute a Committee preferably headed by the Chief Administrator, HUDA, for providing alternative sites to those who have been living in Jhuggi/Jhopri colonies for the last 5 years or more. The period of 5 years has been chosen by us because it is an admitted fact that most of the petitioners have been living in

Jhuggi/Jhopri colonies for 10 years or more except those who are petitioners in CWP Nos. 9184 and 9621 of 1997.

- ii) The committee shall, after getting conducted survey of the colonies, determine the seniority based on the length of occupation of the residents of Jhuggi/Jhopri colonies in the respective urban estates.
- iii) The Committee may frame appropriate policy for allotment of available E.W.S. houses or plots to the petitioners and other residents of Jhuggi/Jhopri colonies in accordance with their seniority at the rates enumerated in the policy already framed by the HUDA."

3. The petitioner has challenged clause (i) of the Ashiana Scheme which restricts it only to the petitioners whose petitions were decided by the said judgment. It is contended on behalf of the petitioner that the benefit of the judgment ought to be accorded not merely to the petitioners therein but also to all others similarly situated. It is not necessary for us to consider this issue in this writ petition as the petitioner has failed to establish his entitlement on facts.

4. The petitioner's case is that he alongwith the members of his family which included his deceased father had been living in the said area since the year 1990. In the year 1994 he was issued a voter ID card.

5. By the impugned order, his application has been rejected on merits. As recorded in the order, the name of the petitioner was not included in the survey list i.e. biometric survey list which was necessary as per the policy for consideration of the application for allotment of a dwelling unit. It

is further recorded that the petitioner had not produced on record any evidence to establish his case. From the record, that finding appears to be correct.

6. The voter ID card would have been an important piece of evidence in the petitioner's favour provided it indicated that the petitioner actually resided in the said area. However, the voter ID merely states that the petitioner's House No. 152 was in Sector-3, Panchkula, District Panchkula. However, Sector-3, Panchkula does not comprise of Matu Ram Colony where the petitioner claims to have resided alongwith his family.

7. Faced with this, learned counsel appearing on behalf of the petitioner states that there may be other evidence in support of the petitioner's claim. If there is any further/additional evidence, the petitioner is shall be at liberty to make a fresh application before the authorities which shall be decided in accordance with law.

8. The petition is disposed of in the above terms.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

29.09.2015
'ravinder'

(TEJINDER SINGH DHINDSA)
JUDGE