

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10731 of 2015

Date of Decision: 26.5.2015

Som Nath

....Petitioner.

Versus

Union Territory Administration, Chandigarh and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Shekhar Choudhary, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to rehabilitate him by allotting alternative accommodation under "Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979" (in short "the Scheme") and/or in "The Chandigarh Small Flats Scheme 2006" (hereinafter referred to as "2006 Scheme") in lieu of demolition of his Jhuggi from Palsora.

2. Respondent No.1 after demolition of Jhuggis of various slum dwellers residing in Palsora Colony, had issued a notification dated 28.8.2003 (Annexure P-2) providing therein that the migrants whose names do not figure in the electoral rolls as on 8th December, 1996, would not be eligible for rehabilitation in Union Territory, Chandigarh. Respondent No.1 vide notification dated 6.11.2006 (Annexure P-3)

promulgated 2006 Scheme for the allotment of residential one room flats on monthly licence basis. Under Rule 7(1) of the Scheme, a family unit who fulfills all the conditions under the Scheme, shall be entitled to one tenement/site as the case may be. Further Rule 9 of the Scheme provides that only those applicants would be eligible for allotment of a tenement/site who must themselves be residing in the colony and that mere ownership unless accompanied by the actual physical possession of a building, hut, structures or covered sites shall not be sufficient to make a person eligible for alternative allotment. The petitioner was removed from his Jhuggi on 25/26th June, 2003 from Palsora Colony. The petitioner had submitted his claim for the allotment of alternative accommodation on form 'A' along with other relevant documents. His application was enlisted at Sr. No. 549. In the year 2007, draw of 1056 sites was held by the respondent No.1 but the name of the petitioner was not included in the same. His name figured at Sr. No. 4587 of the computer record in the list of eligible persons. In the year 2009, the respondents again invited fresh applications and the petitioner submitted his application on 14.10.2009 which was duly received by respondent No.2 vide receipt dated 14.10.2009 (Annexure P-5). However, nothing was done by the respondents. Accordingly, the petitioner moved a representation dated 6.4.2015 (Annexure P-8) to respondent No.3 for allotment of alternative rehabilitation site, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 6.4.2015 (Annexure P-8) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 16.4.2015 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 26, 2015
gbs

(REKHA MITTAL)
JUDGE