

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 17605 of 2012.
Date of Decision : 24.08.2015.

Chaman Lal

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Surender Lamba, Advocate for the petitioner.

Mr. Vivek Chauhan, Advocate for the respondents.

Paramjeet Singh, J.(Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for quashing of the impugned order dated 19.06.2008 (Annexure P-4) passed by respondent No. 3 as well as Judgment dated 17.08.2012 (Annexure P-7) passed by learned Additional District Judge, Chandigarh.

Brief facts of the case are that initially, the petitioner was allotted House No. 1217-A, Sector-35B, Chandigarh and thereafter, he was shifted to House Nos. 1214 and 1195-A, Sector-35B, Chandigarh. There was no complaint of any sort against the work and conduct of the petitioner. Later on, as per eligibility of the petitioner, he was allotted House No. 1192, Type-B, Sector-35B, Chandigarh. A complaint was received and all of sudden petitioner's house was changed. A notice was

served upon the petitioner to the effect that he is in unauthorized occupation of the public premises. Thereafter, the petitioner appeared before respondent No. 2 and filed a reply but he was not heard and was directed to vacate House No. 1192, Type-B and to occupy House No.1436-A, Sector-35B, Chandigarh.

Learned counsel for the respondents has brought to the notice of the Court that the petitioner has partly occupied the new house.

The only ground for changing the House was that there was a complaint against the petitioner that he was permitting other persons to stay there. If that is so, then the alternative house should not have been allotted to the petitioner. Merely by allotting an alternative house, he is being deprived of the house which has been earlier allotted to him.

No reasonable ground has been mentioned on the basis of which, the house of petitioner could be changed. There was even no complaint from any of the neighbourers of the petitioner.

In these circumstances, this Court is of the view that once the authorities are giving an alternative house, there is no reason to cancel the allotment of earlier house. However, the petitioner is directed to forthwith vacate the occupied house, which he has partly occupied but can continue to stay in the earlier house.

Disposed of.

August 24, 2015.
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(PARAMJEET SINGH)
JUDGE