

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11630 of 2015

Date of Decision: 28.5.2015

Ajay Kumar and another

....Petitioners.

Versus

Union Territory, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Sanjeev Patiyal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to consider their claim for the allotment of the flat under EWS Scheme.

2. Chandigarh Administration had framed a policy dated 6.11.2006 (Annexure P-1) to rehabilitate the residents of various colonies. Another policy dated 9.11.2009 (Annexure P-2) was framed with some amendments. The petitioners were residents of various colonies and having proofs of their residence but their names could not be included in the survey conducted by the Chandigarh Administration in the year 2006. The house of petitioner No.1 was demolished by the Chandigarh Administration on 10.5.2014 whereas the house of petitioner No.2 is still in existence but the same is to be demolished and they were not given any allotments for which they were also included in the biometric survey. The petitioners were having sufficient proofs of their

residence in the said notified area. Petitioner No.1 being the legal heir of his father approached the Permanent Lok Adalat, Public Utility Service, Union Territory, Chandigarh vide application No. 534 of 2013 which was decided on 19.2.2014 (Annexure P-7) allowing his claim. Petitioner No.1 moved a representation dated 19.1.2015 (Annexure P-8) to respondents No.2 and 6 for allotment of a flat, but to no effect. Similarly, petitioner No.2 approached the Permanent Lok Adalat vide form/folio No. 15978 and his case was declined vide order dated 27.9.2012 (Annexure P-9). He also moved a representation dated 19.1.2015 (Annexure P-10) to respondents No.2 and 6 for the allotment of a flat but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved representations dated 19.1.2015 (Annexures P-8 and P-10, respectively) to respondents No.2 and 6, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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.4 to decide the representations dated 19.1.2015 (Annexures P-8 and P-10, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 28, 2015
gbs

(REKHA MITTAL)
JUDGE