

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.14459 of 2015

Date of decision: 28.7.2015

Charanjeev Singh

-----Petitioner

Vs.

State of Punjab and others

-----Respondents

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

Present:- Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner prays for quashing the order dated 10.3.2011 passed by respondent No.3 – Estate Officer, Greater Mohali Area Development Authority, Mohali (GMADA), whereby Form No.404938 of the petitioner for allocation of plot measuring 300 square yards under category 6 (sports category) under the AEROCITY scheme has been cancelled. Further prayer has been made for directing the respondents to re-allocate/allot the plot measuring 300 square yards to the petitioner as he fulfilled the criteria mentioned in category 6 and restraining them from allocating/allotting the plot to the next eligible member as mentioned in the waiting list.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner is a well known and renowned international handball player representing India at various International sports meet. He has also won laurels for the nation.

He represented India at the VIth Commonwealth Handball Championship organized by the Bangladesh Handball Federation from 24th to 30th August 1995 at Dhaka, Bangladesh and secured first position. According to the petitioner, as per the sports gradation policy, he falls under category 'A'. Respondent No.1 issued a brochure advertising and inviting applications for allotment of 4000 freehold residential plots in Aerocity, Mohali of various sizes. A special category for sports persons was also mentioned. The petitioner applied for a plot measuring 300 square yards under the above-mentioned category vide application No.404938. The plots were to be allotted by way of draw. The petitioner was declared successful in the draw. The petitioner had applied for two plots under the sports category i.e. 125 and 300 square yards. Since he was declared successful in both the draws, he surrendered the plot measuring 125 square yards at the time of preliminary scrutiny. Vide letter dated 1.2.2011, the petitioner was intimated by respondent No.2 to appear before the concerned authorities on 9.2.2011 for presenting/checking/verification of the documents showing/proving his eligibility to apply for the plot under the sports category. The petitioner appeared on 9.2.2011 and produced the diploma certificate Annexure P.1 received by him at VIth commonwealth Youth Handball Championship before the concerned authorities. The scrutiny committee raised the issue that the petitioner was not a medal winner of Olympics, Commonwealth or Asian Games and therefore, his case was kept pending for final approval. The petitioner kept a constant check on the official website of respondent No.1 and was shocked to know that allotment of the plot in his favour was cancelled. When he approached the concerned authorities, he came to know

about the order dated 10.3.2011 to the effect that he did not fulfil the requirements under the sports category. According to the petitioner, there was no differentiation or classification between the commonwealth games organized for the senior group and the sports persons competing in the youth category. Hence the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. The impugned order in the present case rejecting the claim of the petitioner for allotment of 300 square yards residential plot under sports category was passed on 10.3.2011. The present petition has been filed in the year 2015. A period of more than four years has elapsed. No explanation much less satisfactory explanation has been given by the petitioner for the delay. Even otherwise, a perusal of the impugned order Annexure P.7 dated 10.3.2011 shows that after examining the matter, it was found by the scrutiny committee of the respondent authorities that the petitioner had participated in VIth Commonwealth Youth Championship in 1995 and got grade 'A' in this tournament but his case did not fall in Olympic, Asian and Commonwealth games as shown in the brochure as he was not a Medal winner. Thus, on failure to fulfil the required conditions, his case was rejected.

5. In view of the above, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

July 28, 2015
'gs'

(Rekha Mittal)
Judge