

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15017 of 2015

Date of Decision: 27.7.2015

Nirmail Singh

....Petitioner.

Versus

The Finance Secretary, Chandigarh Housing Board, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Namit Gautam, 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 consider his claim for the allotment of a dwelling unit under the “Chandigarh Allotment of Dwelling Units to the Oustees of Chandigarh Scheme, 1996” (in short “the Scheme”) on 'No Profit No Loss' basis against 166 dwelling units which are ready for occupation as per order dated 5.12.2013 (Annexure P-7) passed by this Court in CWP No. 14300 of 1996 and other connected writ petitions.

2. The petitioner was owner in possession of the land measuring 50 kanal 3 marlas which was acquired by the Chandigarh Administration vide awards dated 5.3.2003 (Annexure P-1) and dated 29.3.2004 (Annexure P-2). The petitioner filed objections on 17.3.2004.

He was issued oustee certificate dated 30.7.2014 (Annexure P-3) by respondent No.2. Originally, the Chandigarh Administration had framed the "Chandigarh Allotment of Sites on Lease Hold Basis to the Oustees of Chandigarh Scheme, 1972" which was repealed on the publication of the "Chandigarh Allotment of Dwelling Units to the Oustees of Chandigarh Scheme, 1996" (Annexure P-4). As per the Scheme, the petitioner was entitled to the allotment of a HIG dwelling unit. The petitioner made representations dated 24.5.2006, 28.5.2015 and 11.6.2015 (Annexure P-5 Colly) to the respondents for the allotment of a dwelling unit, 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 moved representations dated 24.5.2006, 28.5.2015 and 11.6.2015 (Annexure P-5 Colly) to the respondents, 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 representations dated 24.5.2006, 28.5.2015 and 11.6.2015 (Annexure P-5 Colly), 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

July 27, 2015
gbs

(REKHA MITTAL)
JUDGE