

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2160 of 2014
Date of Decision: January 27, 2015

SunilPetitioner
versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Ashish Pannu, Advocate, for the petitioner.
Mr.RKS Brar, Additional AG, Haryana.
Mr.S.P.Chahar, Advocate, for respondent No.8.

-.-

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The question raised in this writ petition pertains to eligibility of respondent Nos.9 to 46 for the purpose of allotment of 100 square yard plots under the 'Mahatma Gandhi Gramin Basti Yojna'. The plots are allotted by the Gram Panchayat under the aforesaid Scheme to the families living below poverty line and subject to their fulfilling the eligibility conditions as prescribed by the State Government vide Policy dated 01.02.2008.

The precise grievance of the petitioner is that though private respondent Nos.9 to 46 are ineligible for allotment of above-stated plots but the Deputy Commissioner, Sonapat has declared them eligible in a mechanical manner vide his order dated 05.11.2013 without holding a fair and just enquiry in accordance with law.

The petitioner has made specific averments in respect of each private respondent in para No.12 of his writ petition in order to show that none of them is entitled to allotment of 100 square yard plot under the aforesaid Scheme.

If the petitioner's allegations are to be believed, even dead persons have been allotted such plots. There is, thus, substance in the petitioner's allegations that the Deputy Commissioner, Sonapat, while ascertaining the eligibility of private respondents, was not appropriately assisted with the record and the correct facts which led him to arrive at a wrong conclusion, may be partially.

In these circumstances, while it may not be expedient for us to express any views on the eligibility of private-respondents but it appears imperative upon the authorities to re-consider the whole issue; hold another fact-finding enquiry through some fairly senior officer and give an opportunity to the petitioner to substantiate his allegations, of-course to the private respondents also to prove that they are entitled for such allotment. With a view to facilitate such a fact-finding enquiry, we set-aside the order dated 05.11.2013 of the Deputy Commissioner, Sonapat and direct him to appoint an officer not below the rank of Sub Divisional Officer (Civil) as an Enquiry Officer who shall call for the records, hear the petitioner as well as private-respondents and the Gram Panchayat and then submit his fact-finding report to the Deputy Commissioner, Sonapat, within a period of two months. The decision with regard to regularization of allotment shall be taken by the Deputy Commissioner thereafter only.

Let the entire exercise be completed within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 27, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE