

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

CWP-3401-2014

Date of decision:- 15.09.2015

Surender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Baldev Singh, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Mr. V.K. Vashisht, Advocate,
for respondents No. 2 to 4.

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S.J. VAZIFDAR, A.C.J. (ORAL)

On 25.11.2004, the respondents issued advertisement for the allotment of flats to the Economically Weaker Sections in Gurgaon and Karnal. The petitioner applied for the same in the said category. He declared in the form that he belonged to the ST category. The reservation was, however, only for Scheduled Castes to the extent of 18.5%. There was no reservation for the persons belonging to ST category. The petitioner, however, did not make an incorrect representation.

2. In the draw of lots held on 09.09.2005, the petitioner was declared successful. He was allotted a flat. There is no allegation that the petitioner has not made payment as required. Nor there is any other allegation regarding non-compliance of the terms and conditions of the allotment. After about seven years, the petitioner was served a notice dated 05.03.2012 calling upon him to show cause as to why the allotment ought not to be

cancelled on the ground that it was wrongly made to him as he did not belong to the Scheduled Caste category.

3. As we mentioned earlier, the petitioner did not make any incorrect representation. He disclosed the facts in the form about his belonging to the ST category. It is now ten years since the allotment was made to him. The petition ought to be allowed in view of the judgement of a Division Bench of this Court dated 21.05.2015 rendered in CWP-2961-2014 titled as *Sarbati Devi Vs Appellate Authority under Section 72-A of the Haryana Housing Board Act, 1971 and another*. In similar circumstances, the Division Bench held that it would not be justified to cancel the allotment after such a long period of time when the petitioner has not made any false representation.

4. In these circumstances, the impugned orders are set aside and the allotment made in favour of the petitioner shall stand.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

15.09.2015
Amodh