

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 3116 of 2015. [O&M]
Date of Decision: 13th August, 2015.

Parkash Kaur
Versus
Petitioner through
Mr. PBS Goraya, Advocate

State of Punjab & Ors.
Respondents through
Mr. K.K.Gupta, Addl.AG, Punjab.
Mr. Balwinder Singh, Advocate,
for GMADA.

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JASPAL SINGH**

- 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]

CM No. 10188 of 2015.

Short reply filed by respondent No. 3 is taken on record.

CM stands disposed of.

CWP No. 3116 of 2015.

The petitioner is stated to be a riot victim who has been issued Red Card by the Deputy Commissioner, SAS Nagar, Mohali. She is alleged to be in un-authorised possession of Flat No. 583-LIG, Phase-I, SAS Nagar, Mohali. She applied for regularisation of that flat in her name under the Government Policy, according to which a riot victim who is found to be in un-authorised possession before 31.03.2011 can seek regularisation of such property.

The issue before the authorities which arose for determination was whether the petitioner was in un-authorised occupation of the subject flat before 31.03.2011, i.e., between 04.11.2008 till 31.03.2011.

The only evidence produced by the petitioner was a Photostat copy of the Ration Card which was issued in the year 2002 in the name of Nirmal Singh as head of the family. The name of the petitioner was entered in that Ration Card on 1.12.2012. It appears

that Nirmal Singh is son of the petitioner as in the column of relationship, she is mentioned to be 'mother' of the Ration Card holder. There can thus be no fault with the order passed by the competent Authority in rejecting the claim of the petitioner for want of sufficient evidence.

Faced with this situation, learned counsel for the petitioner submits that Ration Card was admittedly issued in the year 2002 and Nirmal Singh along with his family has been residing therein. It is further submitted that Nirmal Singh also being a riot victim, has not been allotted any residential property. If that is so, we dispose of this writ petition with liberty to Nirmal Singh to put up his claim before the concerned Authorities seeking regularisation of the flat in his favour and produce relevant proof that he along with his family was in physical un-authorised possession of the flat during the relevant period. If such a claim is put up by Nirmal Singh within one month, the Deputy Commissioner, SAS Nagar, Mohali shall decide the matter preferably within three months. *Status-quo* re: possession shall be maintained till the matter is decided by the Deputy Commissioner, Mohali, subject, however, to the condition [i] that the petitioner shall have to withdraw the civil suit and [ii] Nirmal Singh submits his claim within one month from today.

Disposed of. Dasti.

(SURYA KANT)
JUDGE

August 13, 2015.
dinesh

(JASPAL SINGH)
JUDGE