

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.7298 of 2015 (O&M)

Date of decision:04.11.2015

Dilbagh Singh

... Petitioner

v.

State of Haryana & others

... Respondents

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

Present: Mr. Ajay Kumar, Advocate for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Mr. Ashwani Talwar, Advocate for the respondents.

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner is aggrieved by the undertaking sought by the respondents. The petitioner applied for and was allotted a flat by the Housing Board Haryana under the Below Poverty Line Category (BPL Category). Clauses I, II and V of the eligibility reads as under:

“I. The applicant should belong to Below Poverty Line (BPL) family of Haryana only.

II. The applicant, his/her spouse or his/her dependents children should not own any flat/plot in any HUDA Sector/licensed colony in any of the urban area in the State.

III. The applicant must be a citizen of India.

IV. The applicant must have attained the age of majority at the time of registration.

V. An eligible person, his or her spouse, or any of his/her dependent members cannot submit more than one application under the scheme.”

2. Paragraph 2 of the undertaking against which the petitioner has a grievance reads as under:

“That I affirm that I or any of my family members as described in the BPL Ration Card, on the basis of which I have been allotted the dwelling unit, have not been earlier allotted any dwelling unit at any other place in Haryana or under any other such scheme floated by Housing Board Haryana.”

3. The petitioner's grievance is that the BPL Ration Card also include the names of his brother and mother, who are not his dependents. The undertaking according to the petitioner is contrary to the terms of eligibility set out above.

4. The respondents clarified that the undertaking does not apply to every member of the family merely because the names appear in the BPL Ration Card. They clarified that it applies only to such members of the family who are mentioned in the terms of the eligibility as mentioned in Clause II. In view of this clarification, the petitioner's grievance stands redressed.

5. The writ petition is disposed of in the above terms.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

04.11.2015
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