

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

CWP No.764 of 2015

Date of Decision.16.01.2015

Estate Officer, Union Territory, Chandigarh

.....Petitioner

Versus

Rup Kumar and another

.....Respondents

Present: Mr. Amit Arora, Advocate and
Mr. Jaivir Chandail, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. There is no merit in the writ petition filed by the Chandigarh Administration which challenges the allotment directed to be done by the Permanent Lok Adalat, taking note of the residential status of the person at the particular locality for allotment of a flat. The requirement under the Regulation is that his name must appear in the bio-metric survey and if the name does not appear in the voter list as on 01.01.2006, he will be eligible for allotment if his name appears in 2004, 2005, 2007 and 2008 voter list. The Permanent Lok Adalat has considered the fact that the document placed on record was of the year 2004 and voter list for the year 2005, 2010 and 2011. The argument is that there is no voter list for "2005 and 2007" and his name does not appear in the voter list for the year 2008. The Permanent Lok Adalat has considered the fact that he had been continuously in possession of the property in *jhuggi* for all

these years and his name had been recorded in the bio-metric survey. The Estate Officer who was examined at the time when the order was passed also records the fact that his name finds a place in the bio-metric survey. The condition for allotment prescribing particular years to be found in the voter list is only to ensure that the residential proof is available. If in this case, the Permanent Lok Adalat has found that he had been continuously in possession all these years from the year 2004 as resident and has favoured the petitioner with an allotment, I cannot displace a question of fact in writ petition.

2. There is no scope for intervention. The writ petition is dismissed.

(K. KANNAN)
JUDGE

January 16, 2015
Pankaj*