

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8446 of 2015

Date of Decision: 1.5.2015

Gautam Kumar Sharma

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Mansur Ali, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a direction to the respondents to consider his case for the allotment of LIG Flat No. 1736/B, Phase X, SAS Nagar, Mohali in view of the polices, Annexures P-6 to P-11, respectively and the judgment dated 14.9.2010 (Annexure P-12) passed by this Court in CWP No. 16345 of 2009 as he is a bonafide 1984 riot victim. Further, a direction has been sought for deciding the claim of the petitioner with regard to the issuance of red card/allotment in pursuance of representation dated 24.4.2015 (Annexure P-17).

2. The petitioner was in possession of LIG Flat No. 1736/B, Phase X, SAS Nagar, Mohali. State of Punjab formulated a police dated 3.11.2008 (Annexure P-6) for regularizing the allotment of the riot victims. As per the policy dated 21.10.2008 (Annexure P-8), the flats

were to be allotted at 1991-92 rates with an installment of 25 years. The allotment of the flat was based on the policy dated 29.12.2009/4.1.2010 (Annexure P-9). State of Punjab issued latest policies dated 29.9.2011 (Annexure P-10) and dated 31.1.2014 (Annexure P-11). One CWP No. 16345 of 2009 titled as 'Kuljit Singh and others v. State of Punjab and another' was disposed of by this Court vide order dated 14.9.2010 (Annexure P-12). The said order was upheld by this Court in LPA No. 260 of 2011. Further, this Court in CWP No. 18227 of 2010 titled as 'Manjit Singh and others v. State of Punjab and others' vide order dated 15.2.2011 (Annexure P-13) directed the respondents to consider the claim of the riot victims. The petitioner moved a representation dated 25.3.2015 (Annexure P-14) to the respondents. Similar matter bearing CWP No. 20789 of 2012 titled as 'Mohinder Singh and others v. State of Punjab and others' was disposed of by this Court vide order dated 16.10.2012 (Annexure P-15). The petitioner filed CRM-M-16022 of 2014 for issuance of a direction that the authorities should not harass and forcibly evict the petitioner which was dismissed as withdrawn vide order dated 10.2.2015 (Annexure P-16 Colly). Thereafter, the petitioner filed CRM-M-12770 of 2015 and the said petition was also dismissed as withdrawn by this Court vide order dated 24.4.2015. The respondent-authorities have taken possession of the flat in question from the petitioner but he is still in possession of the garage part and keys are with him. The petitioner moved a representation dated 24.4.2015 (Annexure P-17) to respondents No.2 and 3 for verifying his claim for making of the red card but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the

relief claimed in the writ petition, the petitioner has moved a representation dated 25.3.2015 (Annexure P-14) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 25.3.2015 (Annexure P-14), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 1, 2015
gbs

(REKHA MITTAL)
JUDGE