

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

CWP No.9752 of 2014(O&M)

Date of decision:22.1.2015

Balbir Singh

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Ghuman, Advocate for the petitioner.

Mr. P.S. Bajwa, Additional Advocate General, Punjab for
respondents No.1 to 4.

Mr. Harit Sharma, Advocate for respondent No.5.

HEMANT GUPTA, J.(Oral)

The petitioner, a victim of Anti Sikh Riots, migrated to Ludhiana after such riots in the year 1984. An advertisement was published on 08.08.2000 whereby the applications were invited for allotment of flats to the riot victims. The petitioner applied for allotment of a flat. Subsequently, in the meeting held on 30.08.2001, 256 Middle Income Group (for short 'MIG') flats were decided to be allotted at the cost of Rs.5,64,440/- situated at Dugri Road Ludhiana. The petitioner was found eligible for allotment of MIG flat but in the draw of lots held on 12.10.2010, he was declared successful for Lower Income Group (for short 'LIG') flat situated in Sector 40, Ludhiana. He request to cancel such allotment and to consider him in the next draw of lots of MIG flats. The petitioner is aggrieved against the

allotment of LIG flat, though the petitioner applied for MIG flat, in the present writ petition.

In reply to the writ petition, it has been stated that 176 MIG flats were made available for allotment. However, there were 417 applicants including the petitioner. A draw of lots held was held on 12.10.2010. The petitioner was unsuccessful in the said draw of lots. Since there were less applicants for LIG flats, therefore, the name of the petitioner was considered for allotment of LIG flat. Therefore, a LIG flat came to be allotted to the petitioner. It is also pointed out that name of the petitioner was again considered for allotment of MIG flat, the draw of which was held on 17.06.2013. Again the petitioner was not successful. Thus, it is pointed out that the petitioner is not entitled to any indulgence from this Court.

Learned counsel for the petitioner has vehemently argued that there are 50 MIG flats still available, therefore, the petitioner should be allotted one flat out of them.

We do not find any merit in the said argument. The availability of flats by itself does not confer any right to the petitioner to seek allotment of a flat. The available flats have to be allotted after considering all the candidates of similar category or by inviting applications from the persons belonging to the category i.e. of riot victims. Mere fact that the flats are available does not confer any enforceable right in the petitioner to seek allotment of such flat for the reason that he has not been successful in the two draw of lots held for allotment of MIG flats.

Consequently, we do not find any merit in the present writ petition claiming allotment of a flat. The same is dismissed.

However, we direct the respondents to put the balance MIG flats in the process of allotment in accordance with law expeditiously preferably within a period of six months. The petitioner shall obviously be considered as one of the applicants for such flats in accordance with law.

(HEMANT GUPTA)
JUDGE

JANUARY 22, 2014
‘D. Gulati’

(HARI PAL VERMA)
JUDGE