

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

Civil Writ Petition No.21268 of 2013

Date of decision:13.02.2015

Anjali Bala wife of Pankaj Mittal, resident of Village Sekha, Tehsil
and District Barnala.

... Petitioner

versus

State of Punjab, through its Secretary, Department of Revenue,
Punjab Civil Secretariat, Chandigarh, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Tribhawan Singla, Advocate,
for the petitioner.

Ms. Vandana Malhotra, Additional Advocate General,
Punjab.

Mr. Ashish Kapoor, Advocate,
for respondent No.6.

Mr. J.S. Dhaliwal, Advocate,
for respondent No.11.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The subsequent allottee pending writ petition has moved an application for impleadment. I asked the counsel, if he is ready to argue the case on merits and that only then his application will be entertained in court. He says he has no objection. The application

for impleadment ordered. The Registry to number the application. The applicant shall be arrayed as respondent No.11. Only his oral objection will be taken and there is no scope for giving him time to file a written pleading.

2. The issue for allotment of a LPG outlet on the basis of residence certificate for a location at the place of residence of a candidate has become contentious in this writ petition. The allotment was for a location at Sekha where the petitioner claimed she was a permanent resident. She attempted to adduce proof of the fact that her husband had a clinic at Sekha, he had studied at Sekha, he was living along with the wife and children. The objections from interested persons were that she was a resident at Dhanaula where her father-in-law resided. She had been living along with her husband and father-in-law at Dhanaula. There were reports from Tehsildar and other village officials vouching for her residence at Sekha who had examined her, made references to the adhar card, election commission identity card etc. The Deputy Commissioner had come up with a different report that she had been found residing at Dhanaula, had picked up the evidence from the house where she was actually living. At the time of her (DC's) visit, she was only at Dhanaula and she made reference to the fact that the children who were reported to be studying in the District Headquarters at Barnala had shown their permanent residence at Dhanaula and she had even

asked the children where they were residing. They were reported to have stated that they were living at Dhanaula only.

3. It is not possible to enter into such a serious disputed question of fact of what the residential status of the petitioner is with the conflicting reports from the different village officials. It will be grossly inexigent to render an adjudication one way or the other in a writ petition. I do not think it is possible to render an adjudication regarding the residence in a writ petition and I decline to make any interference and subject the decision of the Oil Company to make an allotment to yet another person as appropriate in these proceedings. The petitioner is at liberty to approach a civil court where the disputed question could be adjudicated and if possible, to seek for a fresh consideration if the petitioner comes for favourable consideration.

4. The writ petition is disposed of with the above observations.

(K.KANNAN)
JUDGE

13.02.2015
sanjeev