

CWP No.10479 of 2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10479 of 2016

Date of decision: 26.08.2016

Nek Ram

....Petitioner

Versus

Chandigarh Housing Board, Chandigarh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Sanjeev Sharma, Advocate, for the petitioner.
Mr. J.S. Sathi, Advocate, for respondent No.1.
Ms. Neha Sharma, Advocate, for
Mr. Kapil Kakkar, Advocate, for respondent No.2.

AJAY KUMAR MITTAL, J. (ORAL)

Written statement on behalf of respondent No.1 filed in Court today is taken on record subject to all just exceptions.

2. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *mandamus* to direct the respondents to allot an alternate house to the petitioner under the Chandigarh Small Flats Scheme, 2006 (for short 'the Scheme'). Further prayer has been made for quashing the order dated 21.04.2016 vide which the claim of the petitioner had been rejected vide letter No.149315 dated 03.05.2016 (Annexure P-6).

3. At the very outset, learned counsel for respondent No.2 submitted that under Clause 17 of the Scheme, any person feeling aggrieved by any order passed by the Competent Authority under the Scheme relating to eligibility or otherwise shall be entitled to file an appeal to the Appellate Authority as appointed by the Administrator, U.T., Chandigarh, within 30

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days from the date of communication of the impugned order.

4. Clause 17 of the Scheme reads thus: -

*“17. (a) Any person feeling aggrieved by any order passed by the Competent Authority under this scheme relating to eligibility or otherwise shall be entitled to file an appeal to the Appellate Authority as appointed by the Administrator, U.T., Chandigarh.
(b) Appeal shall be filed within 30 days from the date of communication of the impugned order.
(c) The Appellate Authority may, for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under Para (b) above.
(d) The Appellate Authority may confirm, vary or reverse the order appealed against and may pass such orders as he may deem fit.
(e) Order passed in appeal by the Appellate Authority shall be final.”*

5. In view of the above, while disposing of the writ petition, we relegate the petitioner to the alternate remedy of appeal to the Appellate Authority. It is directed that in case the appeal is filed within 30 days from today, same shall not be dismissed on the ground of limitation and it shall be decided on merits by passing a speaking order expeditiously preferably within a period of four months from the date of filing of the appeal.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

26.08.2016
R.S.

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No