

CWP No.14267 of 2015

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

**CWP No.14267 of 2015
Date of decision:04.08.2016**

Mamta

...Petitioner

Versus

Chandigarh Housing Board and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sunil Sharma, Advocate,
for the petitioner.

Mr. Jaivir Chandail, Advocate,
for respondents No.2 and 4.

Mr. Ashish Rawal, Advocate,
for respondent No.3.

Rakesh Kumar Jain, J.

The Chandigarh Administration floated the Chandigarh Small Flats Scheme, 2006 (hereinafter referred to as the "Scheme of 2006") for rehabilitation/resettlement of the economically weaker sections who are living in slum areas/colonies, encroaching upon the public land, by way of allotment of one room tenement on payment of license fee. The administration conducted a bio-metric survey in 2006 and identified 18 such colonies. Accordingly, two proposals for construction of 25728 (6368 Phase I & 19360 Phase II) small flats were approved by the Ministry of Housing and Urban Poverty Alleviation, Government of India for 23841 slum families scattered over 18 colonies in Chandigarh. As per the Scheme of 2006, the person whose name appeared in the bio-metric survey and voter list as on 01.01.2006 was held entitled for allotment of a flat on license fee

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basis but the said scheme was amended by the Chandigarh Small Flats (Amendment) Scheme, 2009 (hereinafter referred to as the “Scheme of 2009”) in which it was provided that the person whose name does not appear in the voter list as on 01.01.2006 shall also be eligible for allotment if his name appears in the voter list as on 1st January, 2004 or 1st January, 2005 and 1st January, 2007 or 1st January, 2008.

The petitioner has alleged that she was having a voter identity card of the year 2005 and 2007 and also has her name in the bio-metric survey conducted in the year 2006 and was fully eligible for consideration but despite that the allotment has not been made to her. The petitioner, thus, filed an application before the Permanent Lok Adalat (PUS), Union Territory, Chandigarh but her application has been rejected vide order dated 17.10.2014 on the ground that the petitioner had not submitted Form-A in time. It is submitted that the petitioner had submitted copy of the application dated 27.01.2014 to the Estate Officer with a request to supply her Form-A for allotment of an alternate site but her request was declined on the ground that the period for supplying these forms has already been over as her Jhughi has already been demolished in November 2013.

Counsel for the petitioner has submitted that Form-A has been provided to one Jamuna vide order dated 26.03.2014 who lives in the same locality i.e. House No.813, Labour Colony-5, Sector 51, Chandigarh and alleges discrimination in this petition.

After notice, the respondents have filed reply in which it is submitted that Form-A was provided to Jamuna wife of Gursas on the

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direction of the Permanent Lok Adalat, whereas the case of the petitioner has been dismissed by the Permanent Lok Adalat.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The Scheme of 2006 is a welfare scheme for the downtrodden strata of the society who are living in slums because of acute poverty. The petitioner has been identified in the bio-metric survey in 2006 and there is no objection in this regard that she has been a voter in the voter list of 2005 and 2007 and fulfills the other conditions of eligibility. The only bottleneck is the submission of Form-A in time, as alleged, but in the case of Jamuna, Form-A has been provided to her on the order of the Permanent Lok Adalat.

Thus, keeping in view the peculiar facts and circumstances, the present petition is hereby disposed of with a direction to the Competent Authority to supply Form-A to the petitioner within 15 days from the date of presentation of certified copy of this order so that she may apply under the Scheme(s) and in case she is found eligible, her application for allotment of an alternate site/flat under the Scheme(s) shall be considered by the Competent Authority, in accordance with law, as early as possible, preferably within a period of one month from the date of filing of the said application.

August 04, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No