

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15004 of 2016

Date of Decision: 11.11.2016

Muni Lal and another

....Petitioners.

Versus

Union Territory, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Sushil Bhardwaj, Advocate for the petitioners.

Mr. Jaivir Chandail, Advocate for UT, Chandigarh.

Ms. Anju Rathore, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the action of the respondents in not including their name in the list of residents of Notified Industrial Area, Labour Colony No.4, Chandigarh for the allotment of flat under the Chandigarh Small Flats Scheme, 2006 (in short “the Scheme”) dated 6.11.2006 (Annexure P-1). Further, a writ of mandamus has been sought directing the respondents to consider the claim of the petitioners for the allotment of flat in terms of Clauses 3 and 4 of the notification dated 9.11.2009 (Annexure P-2) and to include the name of the petitioners in the

Industrial Area, Labour Colony No.4, Chandigarh or to direct the respondents to decide the legal notices dated 23.2.2016 (Annexure P-9) and dated 15.3.2016 (Annexure P-10) sent by the petitioners in view of judgment dated 22.12.2014 (Annexure P-8) passed by this Court.

2. The petitioners have been residing in the Industrial Area, Colony No.4, Chandigarh for the last many years and have been enrolled as a voters. They have sufficient proofs of their residence in the said colony, viz. ration and voter cards etc. Chandigarh Administration had framed a policy dated 6.11.2006 (Annexure P-1) to rehabilitate the residents of various colonies including Industrial Area Labour Colony, Chandigarh. The said policy was amended vide notification dated 9.11.2009 (Annexure P-2). As per the voter identity cards of petitioners No.1 and 2 and their biometric survey reports (Annexures P-3 to P-6, respectively), they were residents of Industrial Area Labour Colony, Chandigarh. However, the names of the petitioners were not included in the list (Annexure P-7) of the eligible candidates of Colony No.4. The conditions of the policies, Annexures P-1 and P-2, were challenged by some residents of other colony by filing CWP No. 2317 of 2014. This Court vide order dated 22.12.2014 (Annexure P-8) disposed of the said writ petition with a direction to the respondents to complete the process of allotment in terms of the observations made in the order. The petitioners visited to the offices of the respondents and made a request to include their name in the list of eligible candidates of the notified Colony No.4, Chandigarh, but to no effect. Accordingly, the petitioners served the legal notices dated 23.2.2016 (Annexure P-9) and dated 15.3.2016 (Annexure P-10) upon respondents No.1 to 4 for including their names in the list of resident eligible candidates for the allotment of flat in

the Notified Industrial Area, Labour Colony No.4, Chandigarh, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the legal notices dated 23.2.2016 (Annexure P-9) and dated 15.3.2016 (Annexure P-10) to respondents No.1 to 4, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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.6 to take a decision on the legal notices dated 23.2.2016 (Annexure P-9) and dated 15.3.2016 (Annexure P-10), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 11, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No