

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15891 of 2016

Date of Decision: 8.8.2016

Rani and others

....Petitioners.

Versus

The Chandigarh Administration, Estate Office, UT, Chandigarh and others
...Respondents.

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

PRESENT: Mr. Sanjay Nagpal, Advocate for the petitioners.

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 Mandamus directing the respondents to include their names in the list of the Chandigarh Administration for delivering the possession of flats which are to be constructed under the Chandigarh Small Flats Scheme-2006 (in short “the Scheme”) on lease hold basis for 99 years for the slum area of Chandigarh Administration. Further, a direction has been sought to the respondents to rehabilitate the petitioners by providing them place for residence who have been evicted by the respondents by demolishing their houses/jhuggis.

2. In the year 2006, a special scheme (Annexure P-1) for daily wager employees in UT Administration who lived in slum area was launched to own their houses in Chandigarh under the Scheme. The

petitioners being eligible, applied under the Scheme by submitting their respective applications. As per para 1 of the Scheme, the names of the petitioners should be in the biometric survey and voter list on January 1, 2006 issued by the Chandigarh Administration. They were permanent residents as is discernible from Annexures P-2 to P-13 and their names were also in the voter list since 2000. Due to default on the part of the Chandigarh Administration, the names of the petitioners were not shown in the list of the year 2006 and the Scheme was launched in the year 2006 just because of this reason their names were not shown in the voter lists. Thereafter, the respondents again invited applications from the persons whose names could not be included in the Bio-metric survey. In pursuance thereto, the petitioners submitted their applications along with documents in the year 2011. Respondent No.1 issued a press release dated 21.8.2013 in 'Punjab Kesri' newspaper of the eligible candidates for the flats but the names of the petitioners were not mentioned there despite having fulfilled all the requisite terms and conditions for the allotment of a flat. Accordingly, the petitioners moved representations (Annexures P-16 and P-17, respectively) to respondent No.4 for inclusion of their names in Small Flat Scheme, 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 moved representations (Annexures P-16 and P-17, respectively) to respondent No.4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the

case, we dispose of the present petition by directing the respondent No.2 to take a decision on the representations (Annexures P-16 and P-17, respectively), 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

August 8, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No