

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16222 of 2016

Date of Decision: 11.8.2016

Ranjit Singh

....Petitioner.

Versus

The Finance Secretary, Chandigarh Housing Board, Chandigarh and others
...Respondents.

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

PRESENT: Mr. Namit Gautam, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to consider his claim for the allotment of a dwelling unit under the “Chandigarh Allotment of Dwelling Units to the Oustees of Chandigarh Scheme, 1996” (in short “the Scheme”) on 'No Profit No Loss' basis against 166 dwelling units which are ready for occupation as per order dated 5.12.2013 (Annexure P-7) passed by this Court in CWP No. 14300 of 1996 and other connected writ petitions.

2. The petitioner was owner of the land measuring 14 kanals being half share of 28 kanals, situated at village Buarail, Chandigarh. The said land was acquired by the Chandigarh Administration vide award dated 14.3.1978 (Annexure P-1). The petitioner was issued oustee certificate dated 30.9.2015 (Annexure P-2) by respondent No.2 regarding acquisition of his land. Originally, the Chandigarh Administration had framed the “Chandigarh Allotment of Sites on Lease Hold Basis to the Oustees of Chandigarh Scheme, 1972” which was repealed on the publication of the “Chandigarh Allotment of Dwelling Units to the Oustees of Chandigarh Scheme, 1996” (Annexure P-3). As per the Scheme, the petitioner was

entitled to the allotment of a HIG dwelling unit. The petitioner made representations dated 7.2.1985, 19.7.1990, 9.3.1994, 4.2.2003 and 10.2.2008 (Annexure P-4 Colly) to respondent No.3 for the allotment of a dwelling unit, but to no effect. Thereafter, the petitioner moved another representation (Annexure P-5) to the respondents for allotment of plot/dwelling unit as per his eligibility and entitlement, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner sent the representations dated 7.2.1985, 19.7.1990, 9.3.1994, 4.2.2003 and 10.2.2008 (Annexure P-4 Colly) and the representation (Annexure P-5) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.3 to take a decision on the representation (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 11, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No