

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18099 of 2016

Date of Decision: 2.9.2016

Raj Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Munish Kumar Garg, 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 certiorari for quashing the action of the respondents for wrongly allotting BPL Flat for BPL Family at Ratia-II instead of Sector 78, Faridabad applied by him vide acknowledgment dated 10.10.2014 (Annexure P-1), in the draw of lots held on 10.4.2015. Further, a writ of mandamus has been sought directing the respondents to allot the BPL Flat to the petitioner as per application form and acknowledgment (Annexure P-1) in Sector 78, Faridabad.

2. The petitioner applied for the allotment of BPL Flat at Sector 78, Faridabad on 10.10.2014. The application was received by the respondents vide acknowledgment dated 10.10.2014 (Annexure P-1).

Along with the said application, the petitioner deposited an amount of ₹ 2850/- vide receipt dated 10.10.2014 (Annexure P-2). The petitioner further deposited a sum of ₹ 46,000/- vide receipt dated 11.8.2015 (Annexure P-3). After deposit of the aforesaid amounts, respondent No.3 issued 'No Dues Certificate' dated 11.8.2015 (Annexure P-4) to the petitioner. The respondents vide allotment letter dated 25.9.2015 (Annexure P-5) allotted the BPL Flat to the petitioner at Ratia-II instead of Sector 78, Faridabad as per the draw of lots held on 10.4.2015. The petitioner submitted his affidavit dated 20.10.2015 (Annexure P-6) under duress before the respondent-authorities. The petitioner served a legal notice dated 10.5.2016 (Annexure P-7) upon the Housing Board, Haryana for allotment of BPL Flat in Sector 78, Faridabad, but to no effect. Thereafter, the petitioner send a reminder dated 1.6.2016 (Annexure P-8) to the Housing Board, Haryana, 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 has sent a legal notice dated 10.5.2016 (Annexure P-7) followed by a reminder dated 1.6.2016 (Annexure P-8) to the Housing Board, Haryana, 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.2 to take a decision on the legal notice dated 10.5.2016 (Annexure P-7) followed by a reminder dated 1.6.2016 (Annexure P-8), in accordance with law by passing

petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 2, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No