

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19237 of 2016

Date of Decision: 19.9.2016

Manju

....Petitioner.

Versus

Union Territory, Chandigarh and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE KULDIP SINGH.**

PRESENT: Mr. Sushil Bhardwaj, 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 in not including her name in the list of residents of Notified Gursagar Colony, Maloya 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 petitioner 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 petitioner or her husband in the list of residents eligible candidate for the allotment of flat in the Notified Gursagar Colony, Maloya or to direct the respondents to decide the legal notice dated 15.3.2016 (Annexure P-8) sent

by the petitioner in view of judgment dated 22.12.2014 (Annexure P-7)

passed by this Court.

2. Chandigarh Administration had framed a policy dated 6.11.2006 (Annexure P-1) to rehabilitate the residents of various colonies including Gursagar Colony at Maloya. The said policy was amended vide notification dated 9.11.2009 (Annexure P-2). As per the voter identity card of the husband of the petitioner (Annexure P-3), biometric survey report (Annexure P-4) and Adhaar Card (Annexure P-5) of the petitioner, she was resident of Gursagar Colony, Maloya. However, her name was not included in the list (Annexure P-6) of eligible candidates of Gursagar Colony, Maloya. 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-7) 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 petitioner along with her husband visited to the respondents and made a request to include her name in the list of eligible candidates of the notified Gursagar Colony, Maloya, but to no effect. Accordingly, the petitioner served a legal notice dated 15.3.2016 (Annexure P-8) upon the respondents for including her name in the list of resident eligible candidates for the allotment of flat in the Notified Gursagar Colony, Maloya, 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 15.3.2016 (Annexure P-8) to respondents No.1 to 4, 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.6 to take a decision on the legal notice dated 15.3.2016 (Annexure P-8), 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

September 19, 2016
gbs

(KULDIP SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No