

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19449 of 2016

Date of Decision: 19.9.2016

Om Pati

....Petitioner.

Versus

Union Territory, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Sanjeev Patiyal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition 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 her case for the allotment of flat under EWS Scheme.

2. Chandigarh Administration had framed a policy dated 6.11.2006 (Annexure P-1) to rehabilitate the residents of various colonies. The said policy was amended vide notification dated 8.7.2015 (Annexure P-2). The petitioner fulfilled all the requirements given in policy as she was having sufficient proofs of her residence in the vicinity of SBS Colony, Mouli Jagran, UT, Chandigarh and her name was also included in the survey conducted by the Chandigarh Administration in the year 2006. The house of the petitioner was destructed on 30.8.2011 and she was not given allotment whereas her husband was included in the biometric survey done by the Chandigarh Administration and thereafter the application form (Annexure P-3 Colly) was in the name of the petitioner in 2006. As per Annexure P-4 Colly, i.e. identity card, voter list, voter card and death certificate, the husband of the petitioner was resident of the said area. As

per voter list and voter card (Annexure P-5 Colly), the petitioner was

resident in the said area. The petitioner was entitled to the allotment of a flat as per the policies (Annexures P-1 and P-2, respectively) and the directions issued by this Court vide order dated 22.12.2014 (Annexure P-6) passed in CWP No. 2317 of 2014. Accordingly, the petitioner moved a representation dated 10.3.2016 (Annexure P-7) to respondents No.2 and 6 to consider her claim for the allotment of a flat under the EWS Scheme. However, the counsel for the petitioner received the reply dated 23.3.2016 (Annexure P-7) from the Chandigarh Housing Board, Chandigarh that her original file had not been received from the competent authority. 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 representation dated 10.3.2016 (Annexure P-7) to respondents No.2 and 6, 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 representation dated 10.3.2016 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two 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