

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 23244 of 2016

Date of Decision: 10.11.2016

Shishpal 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. Sarabjit Singh Sidhu, 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/alternative dwellings by making permanent allotment which have 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 for daily wager employees in UT Administration who lived in slum area was launched to own their houses in Chandigarh under the Scheme. Petitioner No.1 applied under the Scheme vide application form dated 4.4.2011 (Annexure P-2) having Folio No. 25388 and receipt of biometric survey bearing Sr. No. 25388 (Annexure P-3). Similarly, petitioner No.2 applied vide application (Annexure P-3) having Folio No. 24479 and receipt of biometric survey bearing No. 24479 (Annexure P-5). After the physical verification by the respondents, a list of

eligible/successful candidates for the allotment of a flat under the Scheme was pasted. However, the names of the petitioners were not included in the said list. 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, petitioner No.1 moved a representation dated 9.2.2016 (Annexure P-6) to respondent No.2 for the allotment of a flat under the 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, petitioner No.1 has moved a representation dated 9.2.2016 (Annexure P-6) to respondent No.2, but no action has so far been taken thereon. Reliance has been placed upon the orders (Annexures P-7 and P-8, respectively) passed by this Court.

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 representation dated 9.2.2016 (Annexure P-6), 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

November 10, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No