

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 25688 of 2016

Date of Decision: 13.12.2016

Vinod Kumar

....Petitioner.

Versus

Union Territory, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Jyotiraditya S. Thakur, 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 allot him a flat as per his eligibility in accordance with the awards dated 12.11.2014 (Annexure P-2) and dated 24.9.2015 (Annexure P-5). Further, a direction has been sought to the respondents to decide the legal notice dated 19.5.2016 (Annexure P-8) sent by the petitioner.

2. The petitioner had applied for a small flat under the Chandigarh Small Flats Scheme, 2006 and amended Scheme 2009 (in short “the Scheme”) notified by the Chandigarh Administration vide notification dated 6.11.2006 on license basis in lieu of his hutment situated in Colony No.5, Chandigarh. When no action was taken on his application, the

petitioner moved an application dated 26.11.2013 (Annexure P-1) before the

Permanent Lok Adalat (Public Utility Services), UT, Chandigarh for the allotment of one small flat. The Permanent Lok Adalat vide order dated 12.11.2014 (Annexure P-2) ordered respondent No.2 for the allotment and delivery of possession to the petitioner within a period of one month on the basis of the reply dated 12.11.2014 (Annexure P-3) filed by respondent No.4. Thereafter, the petitioner vide receipts dated 14.11.2014 and 18.11.2014 (Annexure P-4 Colly) informed respondent No.4 regarding the passing of the said order. However, no action was taken thereon. Thereafter, the petitioner moved an application before the Permanent Lok Adalat who vide order dated 24.9.2015 (Annexure P-5) directed respondent No.2 for inclusion the name of the petitioner in the seniority list prepared for the allotment and delivery of possession of the small flat. The petitioner also submitted the applications vide receipts (Annexure P-6 Colly) along with the copy of the order, Annexure P-5 for the allotment of a flat. Thereafter, the petitioner moved an application dated 21.1.2016 (Annexure P-7) to respondent No.3 for the allotment of the flat, but to no effect. Accordingly, the petitioner served a legal notice dated 19.5.2016 (Annexure P-8) upon respondent No.4 for the allotment of a flat as per his eligibility in accordance with the awards dated 12.11.2014 (Annexure P-2) and dated 24.9.2015 (Annexure P-5), 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 19.5.2016 (Annexure P-8) to respondent No.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.4 to take a decision on the legal notice dated 19.5.2016 (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

December 13, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No