

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

103

CWP No.27460 of 2015

Date of Decision:05.01.2016

Mahabir

....petitioner

Versus

State of Haryana and others

.....respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Balwinder Singh, Advocate
for the petitioner

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

Notice of motion.

Service is waived as Mr.Amar Vivek, Additional Advocate General, Haryana, present in the Court, accepts notice on behalf of the respondents.

The petitioner seeks a writ of mandamus directing the respondents to accept the second installment in respect of a flat allotted to him, upon his furnishing an undertaking that the allotment would be subject to the petitioner's claim being included in the list of persons below the poverty line (BPL).

The petitioner's name was initially included in the BPL list. His name was however removed from the list in the year 2011. The removal has not been challenged. The petitioner alleges that he was not aware of the same. The petitioner therefore applied against the BPL quota for allotment of his flat. The petitioner was allotted a flat. However, on account of his name not being included in the BPL list, the allotment could not have

been made in petitioner's favour. The allotment can stand only if the

petitioner's name is once again included in the BPL list. No proceedings have been adopted so far in respect of his removal.

The petitioner had, however, addressed a communication dated 15.10.2015, requesting the respondents to include his name in the BPL list. A copy of the letter is taken on record as Mark 'X'.

The ends of justice would be met by disposing of the petition with the following order:

The respondents shall consider the petitioner's application dated 15.10.2015, which was taken on record and marked 'X'. In the event of the application not being allowed, the allotment shall remain cancelled. In the event of the flat not having already been allotted to any third party, the allotment shall not be made till the decision is taken on the said representation dated 15.10.2015 and for the period of four weeks after the communication thereof, in writing to the petitioner. Needless to add that the question as to whether the petitioner falls in the BPL category or not, must be decided as on the date of the advertisement for allotment.

January 05, 2016
neenu

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE