

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 27040 of 2016

Date of Decision: 23.12.2016

Rajinder and others

....Petitioners.

Versus

Union Territory, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Sushil Bhardwaj, 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 certiorari for quashing the action of the respondents in not including their name in the list of residents of Notified Industrial Area, Labour Colony No.5, Burail, Chandigarh 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 petitioners 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 petitioners in the list of residents eligible candidate for the allotment of flat in the Notified Industrial Area, Labour Colony No.5, Burail, Chandigarh or to direct the respondents to decide the legal notice dated 23.2.2016 (Annexure P-13) in

view of judgment dated 22.12.2014 (Annexure P-12) passed by this Court.

2. The petitioners have been residing in the Industrial Area, Colony No.5, Burail, Sector 45, Chandigarh for the last many years and have been enrolled as voters. They have sufficient proofs of their residence in the said colony. The names of the petitioners were included in the Bio Metric Survey conducted by the Chandigarh Administration for the allotment of flat under the Scheme. Chandigarh Administration had framed a policy dated 6.11.2006 (Annexure P-1) to rehabilitate the peoples by allotting them one room flats within the Union Territory. The said policy was amended vide notification dated 9.11.2009 (Annexure P-2). As per the voter identity cards and the biometric survey reports (Annexures P-3 to P-9, respectively), the petitioners were residents of Labour Colony No.5, Burail, Chandigarh. Further, the husband of petitioner No.4 had died on 21.6.2008 as is clear from the death certificate dated 14.7.2008 (Annexure P-10). Despite the voter identity cards and Bio Metric Survey, the names of the petitioners were not included in the list (Annexure P-11) of the eligible candidates of Colony No.5. 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-12) 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 petitioners visited to the offices of the respondents and made a request to include their name in the list of eligible candidates of the notified Colony No.5, Chandigarh, but to no effect. Accordingly, the petitioners served a legal notice dated 23.2.2016 (Annexure P-13) upon respondents No.1 to 4 for including their names in the list of resident eligible candidates

for the allotment of flat in the Notified Industrial Area, Labour Colony No.5, Chandigarh, but no response has been received till date. Similarly situated residents of Colony No.4 had filed CWP No. 15004 of 2016 and this Court vide order dated 11.11.2016 (Annexure P-14) disposed of the said writ petition with a direction to respondent No.6 to take a decision on the legal notices sent by the petitioners therein. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the legal notice dated 23.2.2016 (Annexure P-13) to respondents No.1 to 4, but no action has so far been taken thereon.

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 respondent No.6 to take a decision on the legal notice dated 23.2.2016 (Annexure P-13), 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

December 23, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No