

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.3761 of 2016 (O&M)
DATE OF DECISION: 25.02.2016

Nek Ram

....Petitioner

versus

Chandigarh Housing Board, Chandigarh and others

.....Respondents

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

Present: Mr. Sanjeev Sharma, Advocate for the petitioner

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

The petitioner's application for the allotment of a tenement under the Chandigarh Small Flats Scheme, 2006, was rejected only on the ground that his name did not appear in the voters list.

2. The order-Annexure P/3 states that the name being recorded in the voters list is a mandatory requirement under the Scheme. The petitioner merely seeks a writ of mandamus directing the respondents to allot an alternate house. The order has not been challenged in the writ petition. However, the petitioner has made a representation against the order. The petitioner relies upon a judgment of the Division Bench of this Court dated 22.12.2014 in the case of *Dinesh Kumar and others vs. Union Territory Chandigarh and others, CWP No.2317 of 2014*. This judgment has not been mentioned in the representation. The petitioner ought to invite the attention of the authorities to the judgment. The petitioner relies

upon the judgment in respect of the contention that the evidence other than the voters list can also be relied upon.

3. Even if we were to accept the petitioner's case that the judgment applies in his favour, it would be necessary to direct the respondents to consider the other facts that the petitioner may rely upon.

4. In the circumstances, the petition is disposed of by directing the respondents to consider the applicant's case afresh in accordance with law. The respondents shall also consider the effect of the said judgment in *Dinesh Kumar's* case. The respondents shall afford the petitioner an opportunity of relying upon any additional evidence also.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

25.02.2016
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(ARUN PALLI)
JUDGE