

In the High Court of Punjab and Haryana at Chandigarh

**C.W.P. No. 4450 of 2016
Date of Decision: March 15, 2016**

The Estate Officer, U.T., Chandigarh

... Petitioner

Versus

Tulsi and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 22.01.2015 (Annexure P/5) passed by respondent no.2 -Permanent Lok Adalat (Public Utility Services), U.T., Chandigarh, whereby application filed by respondent no.1 has been allowed.

I have heard learned counsel for the petitioner and perused the record.

Admittedly, father of respondent no.1 fulfilled all the conditions necessary for allotment of a flat as per the Chandigarh Small Flats Scheme, 2006. After moving the application, applicant – Moti, father of respondent no.1, expired leaving behind respondent no.1 – Tulsi and other legal heirs. Respondent no.1 has claimed the allotment through her father, who has expired and was eligible for the same. The claim cannot be denied merely on the ground that applicant has died and rights of the LRs of

the deceased do not survive. Be that as it may, the fact remains that Moti, father of respondent no.1, was entitled for allotment, his legal heirs have the same rights as the rights flow by way of inheritance. Respondent no.1 and other legal heirs of Moti Ram cannot be deprived of the allotment merely because of untimely death of Moti Ram. The property to be allotted in place of Moti Ram shall be given in the names of all legal heirs.

In view of above, I do not find any illegality or perversity in the impugned order.

Dismissed.

March 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge