

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.7858 of 2016

Date of Decision: April 28, 2016

Devi Ram

....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.J.P.Sharma, Advocate, for the petitioner.

-.-

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

Surya Kant, J. (Oral)

The petitioner assails the orders dated 19.08.2013 and 05.02.2015 passed by the Collector, Rewari and the Commissioner, Gurgaon Division, Gurgaon, respectively, whereby his claim for allotment of a 100 square yard plot in village Maheshwari, District Rewari, has been rejected on the ground that as per the record he is not found to be a bonafide resident of village Maheshwari for the last 15 years.

It may be noticed here that earlier also the petitioner approached this Court by way of Civil Writ Petition No.14219 of 2012 challenging the order of the Collector and since some of the factual issues were worth consideration, we relegate him to the Commissioner, Gurgaon Division, with a direction to the said higher Authority to re-consider the petitioner's claim. Learned Commissioner, Gurgaon Division sought the comments of the Deputy Commissioner, Rewari

and also obtained a fact-finding report from the B.D.P.O., Rewari. Not only this, Sarpanch-Smt.Munni Devi, Members Panchayat and other respectables of the village were also called. The petitioner as well as they were heard on the question as to whether or not he is a bonafide resident of village Maheshwari for the last 15 years. The learned Commissioner has concluded that the petitioner miserably failed to establish that he has been residing in village Maheshwari for the last 15 years. The documents relied upon by him are of the years 2005-2006 and his plea that his son was studying in the School even prior thereto, could not be established. Learned Commissioner has further found that there are contradictions in the claim of the petitioner as earlier he claimed himself to be the resident of village Hasanpur, Tehsil Hodal, District Palwal, but later on he started claiming that he had shifted to village Maheshwari.

Keeping in view the factual conclusions drawn by the Commissioner on appreciation of the material placed on record, we find no ground to interfere with the order under challenge.

Dismissed.

[SURYA KANT]
JUDGE

April 28, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE