

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP-15270-2006
Decided on 08.09.2017**

PARTAP SINGH

....PETITIONER

VS

STATE OF HARYANA & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: None for the petitioner.

Mr. Anil Mehta, DAG, Hayana.

AJAY TEWARI, J.(Oral)

Matter was listed yesterday but none appeared on behalf of the petitioner. Today a note was given in the list informing the counsel for the petitioner to appear in the Court but none has entered appearance.

This petition has been filed challenging the orders Annexure P-1 dated 22.2.2002, P-3 dated 10.12.2003, P-4 dated 8.1.2006 and P-5 dated 22.4.2005.

Brief facts of the case are that the petitioner was working as Head Constable and was allotted family quarter No. 6-D in Police Line, Narnaul. By order dated 22.02.2002 the allotment of the house to the petitioner was cancelled. The cancellation was challenged by the petitioner in CWP-1404-2004 wherein the respondent took the plea that the representation filed by the petitioner was still pending and consequently, the petition was disposed of with a direction to the respondent to decide the said representation by passing a speaking order.

That order is Annexure P-5.

The primary ground taken in the petition is that neither any notice is issued to the petitioner to show cause nor opportunity for hearing was ever given to the petitioner before cancelling the allotment. In the reply, a bald assertion has been made that the notice was given to the petitioner but neither any details have been mentioned in the reply nor did the impugned orders give the details of any such notice. A perusal of the impugned order also reveals that cancellation has been done on the basis of certain undesirable actions of the petitioner and his family.

In my opinion, the case raised up in the petition cannot be rejected. No doubt the competent authority has a right to cancel the allotment of a government house, more so on the ground of undesirable activities, but the same cannot be done in precipitate manner where neither any notice is issued to the allottee to show cause nor any enquiry is lodged to establish that any undesirable activity was being conducted.

In the circumstances, petition stands allowed. The impugned orders Annexure P-1 dated 22.2.2002, P-3 dated 10.12.2003, P-4 dated 8.1.2006 and P-5 dated 22.04.2005 are set aside.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

08.09.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No