

In the High Court of Punjab and Haryana at Chandigarh.

**1. CWP-14745 of 2016
Decided on 08.08.2017**

Estate Officer, U.T, Chandigarh

--Petitioner

Vs.

Dhanpat Yadav and another

--Respondents

2. CWP-22984 of 2016

Estate Officer, U.T, Chandigarh

--Petitioner

Vs.

Nisha and another

--Respondents

3. CWP-26207 of 2016

Munna

--Petitioner

Vs.

Union Territory, Chandigarh and others

--Respondents

4. CWP-23412 of 2014

Estate Officer, U.T, Chandigarh

Vs.

--Petitioner

Champa Devi and another

--Respondents

5. CWP-25259 of 2015

Gopal

Vs.

--Petitioner

The Permanent Lok Adalat (PUS) and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Suveer Sehgal, Senior Standing Counsel with
Mr.Jaivir S.Chandail and Mr. Alok Mittal, Advocates,
for U.T,Chandigarh/for the petitioner in CWP-14745 of 2016,
CWP-23412 of 2014 & CWP-22984 of 2016

Ms.Bhupinder Kaur, Advocate, for Mr.Kapil Kakkar,Advocate
for the petitioner in CWP-25259 of 2015

Mr.Suveer Sehgal, Senior. Standing Counsel with
Mr.Jaivir S.Chandail and Mr.Alok Mittal, Advocates,
for U.T,Chandigarh/for the respondent in CWP-26207 of 2015,

Mrs.Geeta Sharma, Advocate, for respondent No.4

Rakesh Kumar Jain,J: (Oral)

This order shall dispose of five writ petitions bearing CWP

Nos.14745 of 2016, 23412 of 2014; 25259, 26207 of 2015 and 22984 of 2016; as the common question of law is involved therein. However, for the sake of convenience, the facts are being extracted from CWP-14745 of 2016 titled as **Estate Officer, Union Territory, Chandigarh Vs. Dhanpat Yadav and another.**

All these petitions have been filed either by the Administration or by the private persons against the order passed by the Permanent Lok Adalat (PUS) Chandigarh, by which the application filed under Section 22-C (1) of the Legal Services Authorities Act, 1987 has been allowed or dismissed, as the case may be.

Mr. Sehgal has submitted that the Permanent Lok Adalat has no jurisdiction to decide the lis between the parties, as the order, by which the application filed by the private respondents for allotment of flats under “The Chandigarh Small Flats Scheme, 2006 (Amended Scheme, 2009) is decided is appealable before the Chief Executive Officer, Chandigarh Housing Board, Chandigarh. In this regard, he has referred to an order passed by this Court in CWP-27511 of 2015 (O&M) titled as **Santosh Vs. The Administrator U.T, Chandigarh and others**, decided on 24.7.2017.

On the other hand, learned counsel for the private respondents has submitted that the respondents are poor persons who are claiming dwelling units under the Scheme as their applications have been illegally rejected by the competent authority.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that all these cases are covered by the aforesaid order passed in **Santosh's Case (Supra)** which read as under:-

“This petition is filed in order to challenge the order passed by the Permanent Lok Adalat (Public Utility Services), Union Territory, Chandigarh dated 12.5.2015.

The petitioner had filed an application for allotment of dwelling unit under the Chandigarh Small Flats (Amendment) Scheme, 2006 which has been amended in the year 2009.

It is submitted that the application of the petitioner was rejected by the competent authority on 8.5.2014. The petitioner, challenged that order by way of an application filed under Section 22-C of the Legal Services Authority Act, 1987 (hereinafter referred to as 'the 1987 Act') before the Permanent Lok Adalat. The said application has been dismissed vide order dated 12.5.2015. After notice, learned counsel on behalf of the Chandigarh Administration has put in appearance and submitted that the order dated 8.5.2014 is an appealable order before the CEO, Chandigarh Housing Board and the application under Section 22-C of the 1987 Act was not maintainable.

Counsel for the petitioner is also not satisfied with the order passed by the Permanent Lok Adalat (Public Utility Services) Union Territory, Chandigarh. In my considered opinion, if a statutory appeal is provided against the decision of the competent authority, the petitioner should first exhaust that remedy before coming to this Court. Therefore, the petitioner is relegated to file appeal if so advised, against the order dated 8.5.2014 before the CEO, Chandigarh Housing Board. In case the appeal is filed within a period of one month from the date of receipt of certified copy of this order, the question of limitation shall not be raised and the appellate authority shall consider all the issues raised in the appeal, by passing a speaking order, after giving opportunity of hearing to the petitioner.

The writ petition is disposed of.”

Thus, in view thereof, the impugned order passed by the Permanent Lok Adalat (PUS) U.T, Chandigarh, is hereby set aside and the private respondents are relegated to their remedy of appeal before the Chief Executive Officer, Chandigarh Housing Board. In case, the appeal is filed by the respondents within one month from the date of receipt of

certified copy of this order, the Administration shall not raise the question of limitation before the Appellate Authority, who shall consider all the issues raised and pass a speaking order after hearing both the parties.

With these observations, all these appeals are disposed of.

08.08.2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No.