

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

Date of Decision: 23.08.2017

- 1. CWP No.1755 of 2015**
Estate Officer, UT ChandigarhPetitioner
Vs.
Permanent Lok Adalat (PUS), Chandigarh
and othersRespondents
- 2. CWP No.3028 of 2015**
Manish KumarPetitioner
Vs.
Chandigarh Housing Board and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Suvir Sehgal, Advocate for the petitioner in CWP No.1755 of 2015 and for respondent No.2 in CWP No.3028 of 2015 and Mr. S.S. Kamboj, Advocate for the petitioner in CWP No.3028 of 2015.

Mr. Parveen Chauhan, Advocate for Mr. G.D.S. Wasu, Advocate for respondent No.1 in CWP No.3028 of 2015.

Mr. Ashish Rawal, Advocate for respondent No.3 in CWP No.1755 of 2015.

Rakesh Kumar Jain, J. (Oral)

This order shall dispose of two petitions bearing CWP No.1755 of 2015 – Estate Officer, UT, Chandigarh v. Permanent Lok Adalat (PUS), Chandigarh and others, and CWP No.3028 of 2015 – Manish Kumar v. Chandigarh Housing Board and others as the issue involved in both the petitions is common. However, it is made clear that the first petition i.e. CWP No.1755 of 2015 is filed by the Chandigarh Administration and in the second petition, i.e. CWP No.3028 of 2015, the Chandigarh Administration is the respondent.

Both the petitions are arising out of the order passed by the Permanent Lok Adalat (Public Utility Services), UT, Chandigarh on an application filed under Section 22-C(1) of the Legal Services Authority, Act, 1987 (for short, 'the Act'). In the first petition, the application was allowed

and in the second petition, the application was dismissed.

Counsel appearing for the Chandigarh Administration has submitted that the Permanent Lok Adalat had no jurisdiction to entertain the application filed under Section 22-C of the Act because of the availability of right of appeal before the Chief Executive Officer, Chandigarh Housing Board, Chandigarh and order passed by the Chandigarh Administration is not open to challenge by way of an application filed under Section 22-C of the Act. In this regard, he has relied upon an order passed by this Court in CWP No.14745 of 2016 – Estate Officer, U.T., Chandigarh v. Dhanpat Yadav and another, decided on 08.08.2017. It is also contended that the right of appeal is provided in the Chandigarh Small Flats Scheme, 2006 (Amended Scheme 2009) in Clause 17.

There is no dispute about the aforesaid facts and circumstances, therefore, the first petition is allowed and the second petition is hereby dismissed. However, in both the cases, the private party is allowed to file appeal within a period of one month from the date of receipt of certified copy of this order and the Appellate Authority or the Chandigarh Administration would not raise any objection with regard to limitation and the Appellate Authority shall decide the appeal expeditiously in accordance with law.

A photocopy of this order be placed on the file of connected case.

August 23, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No