

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

(225)

CWP-1960-2016

Decided on: May 16, 2017.

Dashwanti Devi

.... Petitioner

Versus

Chd. Housing Board and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Kunal Mulwani, Advocate, for the petitioner.

Ms. Deepali Puri, Advocate, for respondents No.1 to 3.

M.M.S. BEDI, J (ORAL)

The petitioner, through instant writ petition, seeks a direction to the respondents to allot an alternate house to the petitioner under the Chandigarh Small Flats Scheme, 2006.

I have heard learned counsel for the petitioner and find that as per Clause 17 of the above said Scheme, an appeal is provided.

Learned counsel for the petitioner has submitted that in CWP-26224-2015 titled Sabitri Devi Vs. Chandigarh Housing Board and others decided on 17.12.2015, a Division Bench of this Court had issued direction to the respondent authority to consider the representation.

I have heard learned counsel for the petitioner and I am of the opinion that where a statutory remedy is available to the petitioner, he may be directed to avail the said statutory remedy.

Interest of justice would be adequately met, in case irrespective of order of the Permanent Lok Adalat, the petitioner is permitted to file an appeal under Clause 17 of the above said Scheme, within a period of one month. In case, the petitioner files an appeal, the Appellate Authority will

decide the same within a period of three months after the filing of the appeal and dispose of the same by passing a speaking order. No right of the petitioner will be prejudiced on account of the order passed by the Permanent Lok Adalat which order apparently is without jurisdiction. Any order passed without jurisdiction would be treated as nullity.

With the above said relief having been granted to the petitioner, relegating her to avail the alternative remedy, this petition is disposed of. In case, the petitioner is found eligible on merits, the appeal may be allowed and the plot may be allotted, if found eligible/entitled on merits.

(M.M.S. BEDI)
JUDGE

May 16, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No