

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No.22186 of 2014

Date of decision : October 4, 2017

Pappu Singh

..... Petitioner

Versus

Chandigarh Housing Board and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Arun Takhi , Advocate
for the petitioner.

Ms. Deepali Puri, Addl. A. G. Punjab.

Ms. Sonia Sharma, Advocate
for respondent No.2.

RAKESH KUMAR JAIN, J (oral).

This petition is filed against the order of the Permanent Lok Adalat (Public Utility Services), Chandigarh dated 15.9.2014 by which application filed by the petitioner under Section 22-C of the Legal Services Authorities Act, 1987 (the Act) for allotment of the flat on license basis, in terms of Chandigarh Small Flats Scheme 2006, has been declined.

Ms. Sonia Sharma, learned counsel for respondent No.2, at the outset, has submitted that the petitioner has a remedy of appeal in terms of clause 17 of the scheme, before the Chief Executive Officer, Chandigarh Housing Board and thus, he could not have invoked the jurisdiction of Permanent Lok Adalat.

Faced with this argument, learned counsel for the petitioner submits that he may be allowed to withdraw the writ petition in order to avail his remedy of appeal, provided some time is granted and the

Chandigarh Administration is directed not to raise the issue of limitation.

Counsel for the Chandigarh Administration has submitted that the administration would not raise the issue of limitation if the appeal is filed within a specified time.

Thus, the present writ petition is dismissed as withdrawn with liberty to the petitioner to file the appeal before the competent authority in terms of the scheme within a period of one month from the date of receipt of certified copy of this order. In case, the appeal is filed against the order of rejection of allotment of flat then the competent authority shall decide the appeal by passing a speaking order and shall not raise the issue of limitation as well.

(RAKESH KUMAR JAIN)
JUDGE

October 4, 2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No