

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22145-2015

Date of Decision: February 02, 2017

Anirudh

.....Petitioner

Versus

U.T.Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Ms.Harpreet Kaur Nara, Advocate for
Ms.Ritu Punj, Advocate
for the petitioner.

Mr.Suvir Sehgal, Sr.Standing counsel for UT Chandigarh.

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SURYA KANT, J.

The petitioner belongs to the poor strata of society and lives below poverty line. His case is that he used to reside in *Jhuggi* No.428/2, Block B, Colony No.5 in UT, Chandigarh. His claim is duly supported by the voter list and Aadhar Card (Annexures P-1 and P-2), respectively.

[2] The Chandigarh Administration took a policy decision to remove all the slums/*Jhuggies* by allotting alternative sites, namely, 'one room tenements' to the *Jhuggi* dwellers under the Scheme called as 'Chandigarh Small Flats Scheme 2006'. A bio-metric survey was conducted to identify the persons residing in the *Jhuggies* and when such bio-metric

survey was conducted, the petitioner was found residing at the above stated

Jhuggi. His name is duly shown at Folio No.4478. It further appears that brother of the petitioner, namely, Dukh Ram, also used to stay with him. Both, the petitioner and his brother are illiterate. At the time when an official representative came to *Jhuggi* for filling up the application form, the petitioner was not present, hence the name of his brother was mentioned in the application form.

[3] The resultant effect was that though in the bio-metric survey the petitioner was found residing in the above mentioned *Jhuggi*, but the application was submitted in the name of his brother. The 'mistake' resulted into denial of 'one room tenement' to the petitioner as well as his brother.

[4] The aggrieved petitioner approached Permanent Lok Adalat, Chandigarh, through the aegis of UT, Legal Services Authority. The Permanent Lok Adalat examined the claim of petitioner and found it worth acceptance. A direction was issued to the Chandigarh Administration to issue fresh application form in the name of the petitioner and process his case.

[5] Unfortunately, that direction has also not been fruitful to the petitioner as the authorities have again rejected his claim on the same ground, namely, that he was not found present at the time when the form was filled up. As the facts would speak for themselves, the authorities are thriving upon a co-incidence of petitioner's absence at the time when the departmental official went for filling up application forms. It cannot be overlooked that the petitioner works as a labourer and he was not expected to sit in the *Jhuggi* all the times to await the visit of official representative.

for.

[6] For the reasons afore-stated, we allow this writ petition and direct the U.T.Administration to make necessary recommendations for allotment of 'one room tenement' in favour of the petitioner to the Chandigarh Housing Board forthwith but not later than one month from the date of receipt of a certified copy of this order. There shall be further direction to Chandigarh Housing Board to allot the dwelling unit within a period of one month from the date of receipt of such recommendations.

[7] Disposed of.

(SURYA KANT)
JUDGE

February 02, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |