

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

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**C.W.P. No.365 of 2014  
Date of Decision:23.08.2017**

**Estate Officer, UT Chandigarh       .....Petitioner**

**Vs.**

**Gulshan and others                       .....Respondents**

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

Present:-     Mr. Suman Jain, Advocate for the petitioner.

Mr. Anil Chawla, Advocate for the respondents.

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**Rakesh Kumar Jain, J. (Oral)**

The petitioner has challenged the order of the Permanent Lok Adalat (Public Utility Services), UT, Chandigarh by which application filed under Section 22-C(1) of the Legal Services Authority Act, 1987 (for short, 'the Act') by respondent No.1 has been allowed.

Counsel for the petitioner, at the outset, has submitted that respondent No.1 has claimed the tenement in terms of the policy called the Chandigarh Small Flats Scheme, 2006 (Amended Scheme 2009). It is further submitted that if any adverse order has been passed by the Administration, the said order is appealable before the Chief Executive Officer, Chandigarh Housing Board, Chandigarh and 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 Scheme itself in Clause 17.

Counsel for the respondents, faced with this argument, has submitted that respondent No.1 has been in litigation from the last many years and should not be relegated to the remedy of appeal at this stage.

I have heard learned counsel for the parties and after perusal of record, am of the considered opinion that the preliminary objection raised by the petitioner in regard to maintainability of the application filed under Section 22-C of the Act is justified as the Permanent Lok Adalat cannot entertain an application filed under Section 22-C of the Act if the impugned order is open to challenge by way of an appeal under the Statute much less the Scheme. Consequently, the present petition is hereby allowed and the order of the Permanent Lok Adalat is set aside. However, the respondent No.1 is relegated to his remedy of filing of appeal. In case, the appeal is filed by respondent No.1 within a period of one month from the date of receipt of certified copy of this order, 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.

**August 23, 2017**  
**renu**

**( RAKESH KUMAR JAIN )**  
**JUDGE**

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |