

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 27511 of 2015 (O&M)

Date of decision : July 24, 2017

Santosh

..... Petitioner

Versus

The Administrator U.T.Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Sumit Saddi, Advocate
for the petitioner.

Mr. Suvir Sehgal, Advocate and
Mr. Jaivir Chandail, Advocate
for respondent Nos. 1,3 and 4.

Ms. Priyanka Dalal, Advocate
for respondent No.2.

RAKESH KUMAR JAIN, J (oral).

This petition is filed in order to challenge the order passed by the Permanent Lok Adalat (Public Utility Services), Union Territory, Chandigarh dated 12.5.2015.

The petitioner had filed an application for allotment of dwelling unit under the Chandigarh Small Flats (Amendment) Scheme, 2006 which has been amended in the year 2009.

It is submitted that the application of the petitioner was rejected by the competent authority on 8.5.2014. The petitioner, challenged that order by way of an application filed under Section 22-C of the Legal Services Authority Act, 1987 (hereinafter referred to as 'the 1987 Act') before the Permanent Lok Adalat. The said application has been dismissed

Chandigarh Administration has put in appearance and submitted that the order dated 8.5.2014 is an appealable order before the CEO, Chandigarh Housing Board and the application under Section 22-C of the 1987 Act was not maintainable.

Counsel for the petitioner is also not satisfied with the order passed by the Permanent Lok Adalat (Public Utility Services) Union Territory, Chandigarh. In my considered opinion, if a statutory appeal is provided against the decision of the competent authority, the petitioner should first exhaust that remedy before coming to this Court. Therefore, the petitioner is relegated to file appeal if so advised, against the order dated 8.5.2014 before the CEO, Chandigarh Housing Board. In case the appeal is filed within a period of one month from the date of receipt of certified copy of this order, the question of limitation shall not be raised and the appellate authority shall consider all the issues raised in the appeal, by passing a speaking order, after giving opportunity of hearing to the petitioner.

The writ petition is disposed of.

(RAKESH KUMAR JAIN)
JUDGE

July 24, 2017
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No