

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25997 of 2017.

Date of Decision: November 15, 2017

Ram Phal

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Vishwajeet, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The controversy pertains to the petitioner's claim for allotment of a 100 square yard residential plot under the 'Mahatma Gandhi Gram Basti Yojna' dated 01.02.2008 whereunder land-less families living below poverty line are entitled to allotment of residential plots.

The petitioner alongwith some other residents of the village earlier approached this Court through CWP No.17685 of 2015 (Zile Singh and others versus State of Haryana and others) which was disposed of vide order dated 25.08.2015 with a direction to the Deputy Commissioner, Panipat to determine the petitioners' claim for allotment of plots. Pursuant thereto, the Deputy Commissioner, Panipat has eventually passed the impugned order dated 20.03.2017 (P-5) whereby claim of some of the residents has been accepted but so far as the petitioner is concerned, his claim has been turned down on the ground that he does not belong to Below Poverty Line category. The petitioner, on the other hand, asserts that he belongs to BPL category and as such is entitled for allotment of a residential plot.

We have heard learned counsel for the petitioner.

In our considered view, such like factual issues relating to eligibility of an applicant seeking allotment of a 100 square yard residential plot under the above-said Scheme can be effectively determined by the superior Administrative Authority, if need be, by summoning the relevant records. State of Haryana has also issued Instructions dated 31.12.2012 whereunder an appeal can be filed before the Divisional Commissioner in such like matter. Consequently, we dispose of this writ petition with liberty to the petitioner to file an appeal before the Commissioner, Rohtak Division, Rohtak, who in turn is directed to call for the records; hear the concerned parties and thereafter determine the petitioner's claim by way of a reasoned order, preferably within a period of four months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

November 15, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No