

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

142

C.O.C.P. NO.2867 OF 2018

DATE OF DECISION: SEPTEMBER 13, 2018

Adar Singh @ Addar Singh

.....Petitioner

VERSUS

Sh.Ajoy Kumar Sinha

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Arun Jain, Sr.Advocate with
Mr. Dhruv Mittal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, alleging violation of orders passed by this Court on 25.08.2014 (Annexure P-1) passed by the Division Bench of this Court, whereby, while setting-aside and quashing the reservation of flat to be allotted by way of discretionary quota out of the flats meant for outstees quota, directed the respondents to make allotment of the flat to the petitioner in accordance with the draw of lots dated 21.07.1997.

It is the contention of learned senior counsel for the petitioner that as per the order passed by Hon'ble Division Bench of this Court dated 25.08.2014 (Annexure P-1) in Civil Writ Petition No.10479 of 1997 preferred by the petitioner, he would be entitled to the allotment of flat at the same rate as was prevalent at the time of holding of draw of lots i.e.

21.07.1997. He contends that although after the dismissal of Special Leave to Appeal (C) No.8470 of 2015 vide order dated 06.09.2017 (Annexure P-4) as preferred by Chandigarh Housing Board, the petitioner has been allotted a flat but at the present prevalent rate, which, he contends, would be violative of the orders passed by this Court on 25.08.2014 (Annexure P-1).

This contention of learned counsel for the petitioner cannot be accepted as in the order dated 25.08.2014, no rate of the flat is mentioned at which the same was to be allotted to the petitioner. The petitioner, if aggrieved by the action of the respondent, may avail of his remedy in accordance with law as the Court is of the view that while issuing allotment in favour of the petitioner, the issue of rate has never been adjudicated upon by this Court and, therefore, the same has to be decided in case an agitation to the same is raised by the petitioner in an appropriate proceedings, if permissible in law.

With the above observations, the contempt petition stands dismissed.

September 13, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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