

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10952-2015

Date of Decision: July 09, 2018

Satinder Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.Naresh Kumar, Advocate for
Mr.R.D.Yadav, Advocate for the petitioner.

Mr.Sandeep Moudgil, Addl.AG, Haryana.
Mr.Sudeep Mahajan, Advocate for respondent No.3-Housing
Board.

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SURYA KANT, J.(ORAL)

The petitioner belongs to economically poor section of the Society and is living below poverty line. He applied for allotment of a dwelling unit under EWS Category in terms of the applications invited by Housing Board, Haryana. The closing date for the same was 22.12.2004 which was further extended upto 31.12.2004. It appears that draw of lots was held on 09.09.2005 in which the petitioner was at Sr.No.14 in the waiting list. The petitioner's turn for allotment unfortunately did not come and ultimately the earnest money of ₹22271/- was sought to be refunded to him, which he refused to accept. It further appears from the instances relied upon by the petitioner, on the basis of information received under RTI

were later on allotted the dwelling units.

[2] The Housing Board in its reply-affidavit has pointed out that initially there were 96 flats for which draw was held on 07.08.2009 and the petitioner as per his number in the waiting list, was not entitled for allotment of any dwelling unit out of those mentioned above. Subsequently, the waiting list was also scrapped in the year 2010. Hence, the petitioner cannot be allotted any dwelling unit merely because he was included in the waiting list.

[3] We have heard learned counsel for the parties and gone through the record. It is true that as per his serial number in the waiting list, petitioner's turn did not come for allotment of any dwelling unit. It may also be true that the waiting list was subsequently scrapped as a fresh Scheme was launched in the year 2014. The petitioner's grievance, however, appears to be that some other similarly placed persons who were in the waiting list were considered and allotted the dwelling units. It is, however, not discernible from the record whether those wait-listed persons belong to the same scheme or when the allotments were made to them. These factual issues can effectively be gone into by the higher authorities, who may sympathetically consider the claim of the petitioner especially if any dwelling unit is still lying unallotted.

[4] The writ petition is, accordingly, disposed of with a direction to the Chief Administrator, Housing Board, Haryana to verify the facts especially with regard to the allotment of dwelling unit if any, to the wait-

order within a period of four months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

July 09, 2018
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(SUDIP AHLUWALIA)
JUDGE

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