

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.19154 of 2012

Date of Decision: July 31, 2018

Smt.Jasbir Kaur

.....Petitioner

versus

The Advisor to the Administrator, UT, Chandigarh and others ..Respondents

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

Present: Mr.Rajiv Atma Ram, Senior Advocate with
Mr.S.S.Dinarpur, Advocate, for the petitioner.

Mr.Sanjeev K.Sharma, Senior Advocate with
Mr.Shekhar Verma, Advocate, for UT, Chandigarh.

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Surya Kant, J. (Oral)

The principal grievance of the petitioner in the instant writ petition is against cancellation of allotment of dwelling unit of HIG (Ind) category in Phase-III, Manimajra, UT Chandigarh. The order of cancellation has been subsequently upheld in appeal and revisional proceedings and those orders are also under challenge in this writ petition.

Though the allotment has been cancelled for more than one reasons but one of the contentious issue involved is whether or not the petitioner voluntarily made any statement for the cancellation of allotment. The petitioner further alleges that no opportunity of hearing was afforded, for when she went for the personal hearing, the Competent Authority was not found present.

Be that as it may, learned senior counsel for the respondent-Administration fairly agrees that the authorities are willing to issue a fresh show cause notice, in response to which the petitioner may file reply as well

as appear for personal hearing. Thereafter, a fresh order shall be passed by the Competent Authority.

The aforesaid offer is acceptable to learned counsel for the petitioner also.

In this view of the matter, the writ petition is allowed in part; the impugned order dated 28.01.2005/16.03.2005 (P19) and subsequent orders dated 18.02.2009, 30.09.2009, 18.12.2009 & 21.08.2012 (P-20, P-21, P-22 & P-23, respectively), are set-aside with liberty to the Competent Authority to issue fresh show cause notice to the petitioner at the earliest and conclude the proceedings within a period of three months from the date of receiving a certified copy of this order. In the event of any adverse order, the petitioner shall be at liberty to avail the remedy of appeal or revision, as the case may be, and such proceedings shall be decided uninfluenced of the previous orders.

Dasti.

[SURYA KANT]
JUDGE

July 31, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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