

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10544-2017

Date of Decision: July 31, 2018

Sanjeev Kumar

.....Petitioner

Versus

Chandigarh Administration and other

.....Respondents

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

Present: Mr.Brijesh Nandan, Advocate for the petitioner.

Mr.Jaivir Chandail, Addl.Government Pleader, UT, Chandigarh
for respondent Nos.1 and 2.

Mr.Arjun Sharma, Advocate for respondent No.3.

.....

SURYA KANT, J.(ORAL)

The mother of the petitioner, namely, Nanki Devi, was found residing in a *Jhuggi* during the course of physical survey conducted by the respondent-authorities. Her husband (Tungal Ram), namely, petitioner's father had already passed away. The petitioner was minor at that time. Draw of lots was conducted on 25.11.2003 in which the name of petitioner's mother was included at Sr.No.286 vide Application No.308, in lieu of *Jhuggi* No.395 and vote No.836. The petitioner's mother was successful in draw of lots and provisional allotment of 'One Room Tenement' bearing

[2] The unfortunate petitioner lost his mother as well on 04.09.2003. At that time also, he was a minor. Petitioner had one elder brother, namely, Amit Kumar, he too had passed away earlier. This was not the end of his miseries as the petitioner is a born differently abled person.

[3] Regardless of such hardship, mitigating circumstances or the absolute genuine compassionate grounds, besides a perfect well merited case for the regular allotment of dwelling unit in his favour being the sole surviving legal heir of his parents and brother, the authorities have applied their full mighty force to throw out the petitioner from the dwelling unit on one or the other hyper technical grounds, which conspicuously not disclosed in the impugned Notice. The petitioner has been running from pillar to post carrying his Aadhar card, voter list, death certificates of his parents and brother and also the list of successful persons in draw of lots in which his mother's name was included for provisional allotment. None of these factors have found favour with the authorities, forcing him to approach this Court.

[4] Suffice to observe that the solitary object of “Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979” or of the subsequent 1986 Scheme, is to rehabilitate the *Jhuggi* dwellers and provide them respectable human living conditions on payment of concessional allotment price/monthly charges. How has that object been achieved in the instant case, is not understandable to us.

[5] As the facts speak for themselves, the mother of the petitioner was admittedly found eligible for allotment of the dwelling unit. There is no question mark on her eligibility. The petitioner is the sole surviving legal

petitioner is entitled to regularisation of the allotment of one room tenement bearing No.1617, Sector 25, Chandigarh, for it is the categorical stand and not denied by the respondents that there is no other surviving legal heir of his deceased mother.

[6] Ordinarily, we would have held that the claim of the petitioner be '**reconsidered**' as is normally directed by a writ Court. However, keeping in view the peculiar circumstances of this case, we are constrained to direct the respondents to regularise the allotment of above-stated dwelling unit, as leaving further discretion with the Authorities might prolong the petitioner's agony. Ordered accordingly. The allotment letter, subject to other standard terms and conditions, be issued in favour of the petitioner within a period of one month from the date of receipt of a certified copy of this order. The petitioner's possession shall obviously be protected.

(SURYA KANT)
JUDGE

July 31, 2018
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(SUDIP AHLUWALIA)
JUDGE

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