

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

CWP No. 18303 of 2016 (O&M)

Date of Decision: 16.07.2018

GIANI GAUTAM

...Petitioner

VS.

STATE OF UNION TERRITORY, CHANDIGARH AND OTHERS.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Sudesh Khurcha, Advocate, for the petitioner.

Mr. Suvir Sehgal, Senior Standing Counsel,
with Mr. Jaivir Chandail, Additional Government Pleader,
U.T., Chandigarh and Mr. Vikas Garg, Advocate,
for respondents No. 1 to 4.

RAKESH KUMAR JAIN, J. (ORAL)

CM-15001-CWP-2017

This application is filed for recalling of the order dated 06.10.2017, by which an application filed by the applicant-petitioner bearing CM No. 14237-CWP of 2017 for recalling of the order dated 14.09.2017 was dismissed for non-prosecution.

Notice in the application was issued but no reply has been filed.

After hearing learned counsel for the parties and for the reasons mentioned in the application, order dated 06.10.2017 is hereby recalled and **CM No. 14237-CWP of 2017** is restored and the same is taken on board for hearing today.

CM No. 14237-CWP of 2017

For the reasons mentioned in the application, same is allowed and the main writ petition and order dated 14.09.2017 passed in the writ

petition is hereby recalled and main writ petition is restored to its original number and position.

CWP No. 18303 of 2016

This petition is directed against the order dated 16.11.2015 passed by the Permanent Lok Adalat (PUS), Chandigarh by which an application filed by the petitioner, under Section 22 (c) of the Legal Services Authorities Act, 1987 (hereinafter referred to as 'the Act'), for seeking allotment of tenement/flat under the Chandigarh Small Flat Scheme, 2006 (amended) in lieu of jhuggi No. 96, Janta Colony, Sector 25, Chandigarh, has been dismissed.

Learned counsel for the petitioner has submitted that the Permanent Lok Adalat has committed an error in dismissing the application.

On the other hand, learned Senior Panel counsel for U.T., Chandigarh has referred to the decision of this Court rendered in CWP No. 14745 of 2016 decided on 08.08.2018 to contend that the petitioner has the remedy of an appeal before the Chief Executive Officer, Chandigarh Housing Board, Chandigarh against the decision of the Chandigarh Administration for not allotting the tenement/flat in lieu of the Chandigarh Small Flat Scheme, 2006.

In view thereof, the impugned order dated 16.11.2015 passed by the Permanent Lok Adalat is hereby set aside and permission is granted to the petitioner to file an appeal, if so advised, before the Chief Executive Officer, Chandigarh Housing Board, Chandigarh. If such an appeal is filed within one month from the date of receipt of certified copy of this order, then the appellate authority and the Chandigarh Administration would not raise any

question of limitation and all the issues raised be decided by giving due opportunity of hearing to the petitioner and by passing a speaking order.

July 16, 2018
Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

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