

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19714 of 2015

Date of Decision:-10.07.2018

Estate Office, Union Territory Chandigarh

.....Petitioner

Vs.

Shrimati and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vikas Cuccaria, Advocate, for the petitioner.

Ms.Ekta Thakur, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing of the impugned dissenting order dated 16.09.2010 passed by Permanent Lok Adalat (Public Utility Services), Chandigarh (Annexure P-3).

The brief facts of the case are that respondent No.1 had been residing at Jhugi bearing No.337, LBS Colony, Mauli Jagran, Chandigarh where she had been living for the past 10 years according to the her biometric survey of the colony some time in the year 2006 of the colony some time in the year 2006 and she had been given a biometric slip No.18348 (Annexure P-1). An identity card was also issued by the Election Commission of India in the year 2009 (Annexure P-2) which according to her maker her entitled as per the provisions of the scheme of 2006 for the claim of alternative accommodation by the respondent No.2. Respondent No.1 had made application No.311 of 2010 before Permanent Lok Adalat for settlement of dispute under Section 22C(1) of the Legal Services

Authority Act and the Chairman of the respondent No.3 rejected the claim of the respondent No.1 on the ground that she did not qualify herself to be a recognized resident as per the Scheme of 2006 which defines the Recognized Resident under Section 3(g) of the Sachem. The Permanent Lok Adalat through its Chairman dismissed the claim of the respondent No.1 on the ground that since she was not shown to be a voter as on 01.01.2006 and had to show herself as a voter as on 01.01.2004 and 01.01.2005, she is not entitled her claim as per the eligibility criteria of the Scheme of 2006 and further the Chairman criteria of the Scheme of 2006 and further the Chairman was pleased to hold that the biometric slip issued to her was not sufficient and she had no document to substantiate that she was a voter as on 01.01.2006 nor 01.01.2004 nor 01.01.2005 and finally nor 01.01.2008. However, the Hon'ble Members of the Lok Adalat gave their dissenting views on the ground that petitioner has biometric survey for the year 2006 and voter ID for 2009. She does not have her name figured in the voter list for year 2006, or proceeding and succeeding years. However, her husband died on 07.02.2006. the record of cremation ground has her address as 337, SBS Colony, Mauli Jagran, which address is the same as last of voter card of year 2009. Her ration card also bears same address. She has appended copies of receipts of application to Electoral Office regarding her request for inclusion in the voter list. It has further observed by the Permanent Lok Adalat that it is our duty to provide justice to the poor and down trodden who are illiterate and are continuously struggling for survival and not to adjudicate on interpretation/compliance of rules unmindful of the spirit behind the same. The voters list is no touchstone for establishing stay beyond doubt. The Permanent Lok Adalat has made an observation in the

dissenting note is correct as the respondent No.1 has been staying continuously at the address in January 2006 and after and as such qualifies for an alternate accommodation. It is beyond imagination that a person will give a wrong address while registering a death at the cremation ground.

Learned counsel for the respondent has further submits that respondent No.1/Shrimati has approached this Court by way of CWP No.7439 of 2013 challenging the dissenting note/order dated 16.09.2010 passed by the Chairman, Permanent Lok Adalat, Public Utility Services, U.T.Chandigarh, wherein, vide order dated 05.12.2014 the impugned order was set aside but petitioner was made entitled to allotment as stated in the order of Lok Adalat.

In view of the dissenting view of the Permanent Lok Adalat dated 16.09.2010 (Annexure P-3), the present writ petition is dismissed and respondent No.1/Shrimati is entitled to allotment of house in terms of the order dated 16.09.2010 (Annexure P-3).

(RITU BAHRI)
JUDGE

10.07.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No