

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

CWP-19728-2015

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Date of Decision: 19.04.2018

RAMAN KUMARI

....Petitioner.

Versus

STATE OF PUNJAB AND ORS.

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. S.K. Biriwal, Advocate
for the petitioner.

Mr. Jagmohan S. Ghuman, DAG, Punjab.

Ms. Nitika Bansal, Advocate for
Mr. Nitin Kaushal, Advocate
for respondents No.2 to 4.

ANUPINDER SINGH GREWAL, J.

The petitioner has impugned the order dated 31.05.2012 (Annexure P-3) whereby the allotment of plot to the petitioner has been cancelled and the orders dated 31.10.2012 (Annexure P-4) and 04.12.2014 (Annexure P-5), whereby his appeal and review thereagainst, have been rejected.

2. The petitioner had applied for allotment of plot in ECO City GMADA, Phase I at New Chandigarh in pursuance to the publication issued by the respondent-GMADA on 21.09.2011. The draw of lots was held on 28.11.2011 and the petitioner was declared successful for allotment of 100 square yards plot in the category reserved for Scheduled Caste applicants. She was intimated about it by respondent No.4 vide communicated dated 02.12.2011 (Annexure P-2). The petitioner

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submitted the relevant papers including her proof of residence and Caste Certificate. However, respondent No.3 after perusing the documents rejected the claim of the petitioner on the ground that Scheduled Caste Certificate, which was attached with the documents, had been issued by U.T., Chandigarh. The amount deposited by the petitioner was returned after deduction of 2% thereon.

3. Learned counsel for the petitioner has contended that as the residents of both the State of Punjab as well as Union Territory of Chandigarh were eligible to apply for allotment of plots, allotment to the petitioner could not have been cancelled as she was a bona fide resident of Chandigarh and had a valid Scheduled Caste certificate issued by the U.T. Administration.

4. Learned counsel for the respondents has, however, contended that in the reserved category, only the residents of the State of Punjab were eligible to participate and, therefore, the allotment to the petitioner was cancelled.

5. Heard.

6. It is true that it was provided in the terms and conditions that an applicant could be a resident of Punjab or Chandigarh to be eligible for allotment of plot. However, the Punjab Urban Planning and Development Authority had issued consolidated reservation policy for allotment of plots and houses on 30.03.2015 wherein, it was provided that 15% reservation has been made for Scheduled Caste/Scheduled Tribe category. It is

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also stipulated in the policy that the applicant in the afore-noted 08 reserved categories must belong to the State of Punjab.

7. It would be apposite to refer to a judgment of the Division Bench of this Court in the case bearing **CWP No.19363 of 2012** titled as **Faujia Siddiqui Shahid Versus State of Punjab and others** decided on **04.11.2014**, where, in somewhat similar circumstances, the petitioner therein, who was successful in allotment of plot in the reserved category of physically handicapped persons, had been later declared ineligible on the ground that he was not resident of Punjab. It was held by the Division Bench that the reservation is meant for the residents of Punjab and as the petitioner therein did not have the disability certificate issued by the Civil Surgeon of any district of Punjab, he had been rightly held ineligible by the respondents. It was also held that restriction of the benefit of reservation to the residents of Punjab is fair and reasonable and the residents of Chandigarh belonging to the reserved category are not eligible to apply for allotment of plots which are meant for residents of Punjab.

8. Consequently, we do not find any merit in the petition, which stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

19.04.2018

SwarnjitS

Whether speaking/reasoned :
Whether reportable :

YES/NO
YES/NO