

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17473 of 2018.

Date of Decision: July 19, 2018

Smt.Shanti

.....Petitioner

versus

Appellate Authority under Section 72(A) of the Haryana Housing Board
Act, 1971 and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Naveen S.Bhardwaj, Advocate, for the petitioner.
Mr.Sandeep Moudgill, Additional AG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Sandeep Moudgill, learned Additional
Advocate General, Haryana, accepts notice on behalf of the respondents.

Let three copies of the writ petition be handed-over to him
during the course of day failing which this order shall be automatically
recalled and the writ petition shall be deemed to have been dismissed for
non-prosecution.

In view of the nature of order which we propose to pass, it is
not necessary to seek any counter-reply from the respondents at this stage as
no order prejudicial to their interest is being passed on merits.

One of the grievance in the instant writ petition is that the
petitioner's appeal seeking restoration of flat under EWS Scheme at
Gurugram has been turned down by the Board of Directors, Housing Board
Haryana, vide communication dated 03.05.2018 (P-9) without assigning any
reason whatsoever. The order communicated to the petitioner reads as

follows:-

“... Your appeal dated 24.05.2017 on the subject cited was heard by the Board of Directors in its meeting held on 04.04.2018, but same is rejected and entire amount deposited by you stands forfeited as per terms and conditions as mentioned in the brochure.....”

The petitioner's case is that her claim for restoration of flat under the EWS Scheme is covered by the judgment of this Court dated 21.05.2015 passed in CWP No.2961 of 2014 (Sarbatı Devi versus Appellate Authority under Section 72-A of the Haryana Housing Board Act, 1971 and another).

Having heard learned counsel for the parties, we find that the communication of the Appellate order dated 03.05.2018 cannot sustain as it assigns no reason for rejecting the petitioner's appeal. The order is totally cryptic. The same is accordingly set-aside and without expressing any views on the merits of petitioner's claim, the writ petition is disposed of with a direction to the Board of Director-respondent No.2 to decide the petitioner's appeal by way of a reasoned order and keeping in view the judgment of this Court in Sarbatı Devi's case (supra), within a period of four months from the date of receiving a certified copy of this order. It shall be appreciated if the petitioner or her representative is heard before deciding the appeal.

Dasti.

[SURYA KANT]
JUDGE

July 19, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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