

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

**CWP No. 2347 of 2016
Date of Decision: 19.1.2018**

Kishan

.....**Petitioner**

v.

Union Territoroy of Chandigarh and others

.....**Respondents**

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Vishal Gupta, Advocate, for the petitioner
 Mr. Suvir Sehgal, Senior Standing Counsel with
 Mr. Akshay Sethi, Advocate, for respondent No.1-UT, Chd.

Ms. Suman Devi Saxena, Advocate, for
Ms. Deepali Puri, Advocate, for respondent No.3-CHB

RAKESH KUMAR JAIN, J (Oral) :

The petitioner is aggrieved against the order of Permanent Lok Adalat dated 29.8.2014, by which application filed by the petitioner under Section 22C (1) of the Legal Services Authorities Act, (in short 'The Act') against the order of the Estate Officer, UT, Chandigarh dated 21.10.2013, has been declined for the allotment of a flat under the Chandigarh Small Flats Scheme 2006 (amended in 2009).

Learned counsel for the respondents has referred to an order of this Court passed in “**Roshan Ali v. Chandigarh Housing Board, Chandigarh and others**, CWP No. 11078 of 2016 decided on 26.8.2016, in which there is reference of Clause 17 of the Scheme, in which remedy of appeal is provided to an order passed by the competent authority under the Scheme regarding the eligibility. Consequently, it has been submitted that even the Permanent Lok Adalat is not having the jurisdiction to decide the
lis between the parties.

I fully endorse the arguments raised by learned counsel for respondent No.1 and set aside the order of the Permanent Lok Adalat and relegate the petitioner to his remedy of appeal as provided under the Scheme itself. Clause 17 of the Scheme, is reproduced as under :-

“17. (a) Any person feeling aggrieved by any order passed by the Competent Authority under this scheme relating to eligibility or otherwise shall be entitled to file an appeal to the Appellate Authority as appointed by the Administrator, UT, Chandigarh.

(b) Appeal shall be filed within 30 days from the date of communication of the impugned order.

(c) The Appellate Authority may, for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under Para (b) above.

(d) The Appellate Authority may confirm, vary or reverse the order appealed against and may pass such orders as he may deem fit.

(e) Order passed in appeal by the Appellate Authority shall be final.”

In case the petitioner avail the remedy of appeal within 30 days from the date of communication of the impugned order, in terms of Clause 17 of the Scheme, the same shall not be dismissed on the ground of limitation and shall be considered by the Appellate Authority and decided within one month by passing a speaking order, in accordance with law.

(RAKESH KUMAR JAIN)
JUDGE

19.1.2018
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No