

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.18633 of 2018.

Date of Decision: July 31, 2018

Neeraj Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Ajit Kumar Sharma, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner, who belongs to Backward Class Category, applied for allotment of a dwelling unit in the category of Economically Weaker Sections, located in Housing Board Colony, Sector-52, Gurugram. The name of the petitioner was inadvertently included in the list of SC/ST Category. The list was displayed on the Notice Board as well as the website of Housing Board and objections were invited for any correction. The petitioner kept silent and did not file any objection. He was successful in the draw of lots held on 27.04.2012 and one of the flat reserved for SC Category thus stood allotted to him. However, before possession could be given, the mistake was rectified and the petitioner was served with a show cause notice dated 05.03.2013 to which he submitted reply. The allotment was thereafter cancelled vide order dated 25.07.2013. Thereafter, the petitioner approached this Court by way of CWP No.23160 of 2017 which was disposed of on 10.10.2017 with a direction to the respondents to respond to the petitioner's representation dated 15.01.2017.

In compliance to the said order, the Chief Administrator of Housing Board, Haryana, has passed the impugned order dated 23.02.2018 rejecting the petitioner's claim. The said order is under challenge in the instant writ petition.

We have heard learned counsel for the petitioner and gone through the record.

It is not in dispute that Condition No.12 in the Information Brochure expressly stipulated as follows:-

“...Condition No.12:-

Mere submission of an application form alongwith initial deposit shall not entitle the applicant to the allotment of a unit. Inclusion of applicant's name in the draw of lots shall be subject to fulfillment of the eligibility as per the terms of Scheme. Inadvertent inclusion of the name of an ineligible applicant in the draw of lots shall not vest any right of allotment in the applicant and in case an applicant is found ineligible at any stage, the registration as well as allotment of the unit shall be cancelled.....”

(emphasis applied)

It is also an admitted fact that the petitioner did not file any objection against the list displayed on the notice board or website and never sought inclusion of his name in the Backward Class Category. Similarly, he sat at home for almost four years and did not challenge the order cancelling the allotment. It is not the case of the petitioner that any flat reserved for Backward Class Category is still lying unallotted. Suffice to say that as and when a new Scheme is launched by the Board in future, the petitioner may again try his luck.

With the aforementioned observations, the writ petition stands

CWP No.18633 of 2018

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dismissed.

[SURYA KANT]
JUDGE

July 31, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No