

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20198 of 2018
Date of Decision:21.08.2018

Dashwanti Devi

..... Petitioner

Vs.

Chandigarh Housing Board, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Harinder Singh Sandhu, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 20.3.2018 passed by the Appellate Authority under Clause 17 of the Chandigarh Small Flats Scheme, 2006 [for short 'the Scheme'] for rehabilitation of the jhuggi dwellers.

The petitioner had earlier filed an application under Section 22(C) of the Legal Services Authorities Act, 1987 [for short 'the Act'] before the Permanent Lok Adalat (PUS), Chandigarh [for short 'the PLA'] for allotment of the tenement but her application was dismissed on 15.12.2015, *inter alia*, on the ground that the petitioner had never applied on Form-A to the Estate Officer for allotment of an alternate site and Form No.13828 filled by her son Raminder Kumar on 1.5.2008 along with his wife Gayatri Devi against jhuggi No.566/2, Colony No.5 was rejected on 11.7.2013 on the ground that they did not subjected themselves to the biometric survey. The petitioner filed CWP No.1960 of 2016 titled as "Dashwanti Devi Vs. Chandigarh Housing Board and others" which was

disposed of by this Court on 16.5.2017, allowing the petitioner to file appeal under Clause 17 of the Scheme irrespective of the order having been passed by the PLA.

The appellate authority passed the impugned order on 20.3.2018 dismissing the appeal of the petitioner on the same grounds, firstly that the petitioner did not apply and secondly, the son of the petitioner, who had applied, had not participated in the biometric survey.

Although, learned counsel for the petitioner has vehemently argued that the petitioner is a poor person and should be allotted the tenement in terms of the Scheme and that she had appeared in the biometric survey but the fact remains that she did not apply for the same and the persons who had applied did not subject themselves to the biometric survey.

Thus, looking from any angle, no interference is required in the present case as there is no error found in the impugned order passed by the appellate authority.

Dismissed.

21.08.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*