

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.3975 of 2016

Date of Decision: July 26, 2018

Ajeet Pal Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Mansur Ali, Advocate, for the petitioner.

Mr.Sandeep Vermani, Additional AG, Punjab.

Mr.Sarvesh Malik, Advocate, for respondent No.3.

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Surya Kant, J. (Oral)

The petitioner is stated to be a victim of 1984 anti-Sikh riots.

While challenging the decision of the respondent-authorities, especially of the Deputy Commissioner, SAS Nagar Mohali, the petitioner seeks a direction for allotment and regularization of his possession over House No.1314-B, LIG, Phase-X, SAS Nagar Mohali. The petitioner's case is that he was in physical possession of the aforesaid dwelling unit till the time he went abroad to earn livelihood through his other family members, namely, his four sisters continued to be in its possession. The petitioner now on returning India sought allotment and regularization of the said house in terms of the policies of State Government and the Central Government for Rehabilitation of Victims of Anti-Sikh riots. Reliance is also placed on a judgment of this Court dated 14.09.2010 passed in CWP No.16345 of 2009 (Kuljit Singh and others versus State of Punjab and another) (P-9).

It appears that claim of the petitioner was turned down by the Deputy Commissioner, SAS Nagar Mohali as the registered letters sent to him were received back undelivered and it was further informed that the

house in question was in possession of the petitioner's mother till 31.03.2011 and that the petitioner had gone abroad. On the other hand, the petitioner claims to have documentary proof like ration card, red card etc. to prove that except for the period during which he has gone abroad to earn livelihood, he has been residing in the subject house.

There is no quarrel that if the petitioner is proved to be a riot victim and a *bonafide* resident in the dwelling unit in question, he is entitled to seek its allotment and regularization in terms of the State Government Policy which has been interpreted by this Court from time to time. This is nevertheless a question of fact which can be effectively determined by the Deputy Commissioner, SAS Nagar Mohali on consideration of the material being relied upon by the petitioner. The writ petition is thus disposed of with a direction to the Deputy Commissioner, SAS Nagar Mohali to verify the petitioner's claim; give him an opportunity of personal hearing to produce the documents and thereafter determine as to whether or not he is entitled to allotment and regularization of the house in question in terms of the Government Policy read with the judgment of this Court in Kuljit Singh and others' case (*supra*). Let an appropriate decision be taken within a period of four weeks from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

July 26, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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