

CWP-24821-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24821-2018

Date of Decision: November 14, 2018

A.K. Kaul

...Petitioner

Versus

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. C.M. Munjal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the learned counsel for the petitioner, with reference to the order dated 20.12.2012 (Annexure P-5) passed by this Court in CWP No.24583 of 2012, that the petitioner is entitled to the benefit of allotment of a plot especially in the light of the exercise which has been carried out by the respondents in pursuance to the said directions, whereby, a report of the Saraswati Kunj Commission was submitted, which has been accepted. The said Commission has ultimately prepared a list of members of the Society, who have been held entitled to the allotment of plots of 500 square yards. The name of the petitioner figures at Sr. No.18 in the said list. The respondent – Society is bypassing the seniority list as prepared and is allotting the plots at random, one of the instances which has been pointed out is that of one Mohal Lal Arora – respondent No.8 whose name figures at Sr. No.52, is being allotted a plot at priority keeping in view the fact that a

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direction has been issued by this Court to consider his claim for allotment of a plot. Merely because a person approached this Court would not entitle to any priority especially in the light of the observations made by this Court in its order dated 20.12.2012 (Annexure P-5), in pursuance whereof, seniority list has been prepared. Highlighting this aspect, petitioner has submitted a representation dated 20.07.2018 (Annexure P-10) to respondents No.1 to 3, 6 and 7. Despite that, no decision on the representation of the petitioner has been taken.

Counsel for the petitioner contends that the petitioner, at this stage, would be satisfied if a direction is issued to the Registrar, Cooperative Societies, Haryana – respondent No.2 to consider and decide the representation dated 20.07.2018 (Annexure P-10) and conveyed the decision to the petitioner and the Society, within some specified time.

In the light of the statement made by the counsel for the petitioner, the present writ petition is disposed of without going into the merits of the case as has been projected by the counsel for the petitioner or commenting thereon, with directions to the Registrar, Cooperative Societies, Haryana – respondent No.2 to consider and decide the representation dated 20.07.2018 (Annexure P-10) within a period of six weeks from the date of receipt of certified copy of this order. The decision so taken be conveyed to the petitioner and Society forthwith.

It is made clear that in case the Saraswati Kunj Commission has indeed prepared a seniority list, the same be not bypassed and the plot should be offered according to that seniority list especially in the light of the

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observations of this Court in its order dated 20.12.2012 (Annexure P-5).

November 14, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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