

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

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CWP-6641-2015

Date of Decision: 25.04.2018

JAGJIT SINGH

....Petitioner(s).

Versus

STATE OF PUNJAB AND ANR.

...Respondent(s).

CWP-6645-2015

SURJIT SINGH

....Petitioner(s).

Versus

STATE OF PUNJAB AND ANR.

...Respondent(s).

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. S.S. Salar, Advocate for the petitioner.

Mr. Jagmohan S. Ghuman, DAG, Punjab.

Mr. M.C. Berry, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J.

This order shall dispose of two petitions bearing CWP-6641-2015 & CWP-6645-2015. For the sake of convenience, the facts are being taken from CWP No.6641-2015.

2. These petitions impugn order dated 22.09.2014 (Annexure P-16) whereby the claim of the petitioner(s) for allotment of flat has been rejected.

3. The petitioner(s) has also sought a direction to respondent No.2 to allot him a flat in Sant Ishar Singh Nagar (8.4 acres) Development Scheme. Respondent No.2 had issued an

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advertisement on 10.04.1986 for inviting applications for allotment of 2/3 bed room flats. It is stated that the Improvement Trust issued another advertisement on 20.06.1986, wherein it was mentioned that those applicants, who had deposited the earnest money by 30.05.1986 would be given flat numbers and issued allotment letters. This scheme is stated to have continued as the applicants could deposit earnest money without any cut-off date for allotment of flats on first come first serve basis.

4. It is the case of the petitioner(s) that he had deposited earnest money amounting to Rs.12,500 on 18.04.1991 for allotment of 02 bed room flat. A copy of the receipt has been annexed as Annexure P-3 with the petition. Since the petitioner(s) did not receive any response for allotment of flat, he along with others made representations to respondent No.2, for allotment of flat as it was averred that similarly situated persons have been allocated the flats. The petitioner(s) then preferred CWP No.8222 of 2007 before this Court which was disposed of on 02.12.2009 after the counsel for the Improvement Trust made a statement that 02 flats are available, which would be allocated by draw of lots and the entire exercise would be completed within six months. The petitioner(s) was not allocated any flat and he once again approached this Court by filing CWP No.2151 of 2013 which was disposed of on 01.02.2013 (Annexure P-15) with a direction to Improvement Trust to take an appropriate decision on the claim of the petitioner(s). The claim of the petitioner(s) was rejected by the

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order dated 22.09.2014 (Annexure P-16), which has been impugned herein.

5. Learned counsel for the petitioner(s) has contended that as the flats were lying vacant, it was incumbent upon respondent No.2 to consider the case of the petitioner(s) for allotment. The draw of lots which were held by respondent No.2, pertained to only 03 flats, while other flats were also available for allotment, for which the petitioner(s) could have been considered. He has further contended that in the alternative, the respondents should return the earnest money along with interest therein.

6. Learned counsel appearing for the respondent No.2 has contended, that the name of the petitioner(s) had been put in the draw of lots, in the available flats and he was not successful therein and hence his representation has been rightly rejected. He also contended that all the flats, which were available for allotment, were included in the draw of lots, wherein the petitioner(s) was not successful.

7. Heard.

8. It is manifest from the perusal of the impugned order that the draw of lots was held on 11.10.2010 at 11:00 a.m., wherein the name of the petitioner(s) was also included, however, he was not successful for allotment of flat in the draw of lots. The flats were allotted to the successful applicants.

9. Therefore, the petitioner participated in the draw of lots held in the year 2010 and after being unsuccessful therein cannot

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later contend that more flats should have been made available. There is no cogent material to suggest that more flats were available in 2010 for being included in the draw of lots.

10. Consequently, we do not find any merit in the case of the petitioner(s) for allotment of flat. The petition stands dismissed. However, the petitioner(s) would be at liberty to file an application for refund of the earnest amount, which shall be decided by respondent No.2, in accordance with law, within a period of two months from the date of its filing.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

25.04.2018

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO