

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-29239-2017

Date of Decision: 12.3.2018

Ramanand Verma

....Petitioner.

Versus

Chandigarh Administration and others

...Respondents.

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

PRESENT: Ms. Sunita Nambiar, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Jaivir S. Chandail and
Mr. Abhilaksh Grover, Addl. Govt. Pleader for the respondents.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 1.5.2017 (Annexure P-9) passed by respondent No.3 rejecting the claim of the petitioner for the allotment of flat under the Chandigarh Small Flats Scheme, 2006 (in short “the Scheme”).

2. At the very outset, learned counsel for the respondents submitted that under Clause 17 of the Scheme, any person feeling aggrieved by any order passed by the Competent Authority under the Scheme relating to eligibility or otherwise shall be entitled to file an appeal to the Appellate Authority as appointed by the Administrator, U.T., Chandigarh, within 30

days from the date of communication of the impugned order.

3. Clause 17 of the Scheme reads thus: -

- “17. (a) Any person feeling aggrieved by any order passed by the Competent Authority under this scheme relating to eligibility or otherwise shall be entitled to file an appeal to the Appellate Authority as appointed by the Administrator, U.T., Chandigarh.
- (b) Appeal shall be filed within 30 days from the date of communication of the impugned order.
- (c) The Appellate Authority may, for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under Para (b) above.
- (d) The Appellate Authority may confirm, vary or reverse the order appealed against and may pass such orders as he may deem fit.
- (e) Order passed in appeal by the Appellate Authority shall be final.”

4. In view of the above, while disposing of the writ petition, we relegate the petitioner to the alternate remedy of appeal to the Appellate Authority. It is directed that in case the appeal is filed within 30 days from today, the same shall not be dismissed on the ground of limitation and it shall be decided on merits by passing a speaking order expeditiously preferably within a period of four months from the date of filing of the appeal.

(AJAY KUMAR MITTAL)
JUDGE

March 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No