

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

211

CWP-3475-2017

Date of Decision: 23.1.2018

RAM DEV GUPTA

....Petitioner.

Versus

THE HOME SECRETARY U.T. CHANDIGARH & ANR

...Respondents.

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

Present: - Mr. Deepak Chaudhary, Advocate, for the petitioner.

Mr. Jaivir S. Chandail, Addl. Govt. Pleader,
U.T., Chandigarh.

AJAY KUMAR MITTAL, J. (ORAL)

Short reply on behalf of respondent No.2 filed in
Court today is taken on record, subject to all just exceptions.

2. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India is for quashing the order dated 14.09.2016 vide which the claim of the petitioner had been rejected vide letter No.165934/Teh(C)/ALC/2016 dated 05.10.2016 (Annexure P-11). Further prayer has been made for issuance of a writ in the nature of mandamus to direct the respondents to allot an alternate house to the petitioner under the Chandigarh Small Flats Scheme, 2006 (for short 'the Scheme').

3. 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.

4. 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.”

5. 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, 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

(ANUPINDER SINGH GREWAL)
JUDGE

23.01.2018
SwarnjitS