

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

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**CWP-5282-2018
Date of Decision: 04.04.2018**

ANIL KUMAR

....Petitioner(s).

Versus

STATE OF U.T. CHANDIGARH & ORS.

...Respondents.

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

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

ANUPINDER SINGH GREWAL, J.

The petitioner has impugned the order dated 20.04.2017 (Annexure P-7), whereby the application of the petitioner for allotment of flat has been rejected.

2. The respondent-Estate Officer, Chandigarh Housing Board vide letter dated 01.03.2013 had invited applications for allotment of flats under the Chandigarh Small Flats Scheme, 2006. It is the case of the petitioner that he could not collect the Form A from the camp office for allotment of the flat as he was in custody in FIR No.113 dated 18.06.2007 under Sections 148/308 read with Section 149/302 IPC, Police Station Sector, Industrial Area, Chandigarh.

3. The petitioner is stated to have been in custody from 19.06.2007 to 16.07.2012. He had applied under the Scheme vide application dated 18.06.2015 (Annexure P-3). In pursuance to rejection of the application, he had filed an application before the Permanent Lok Adalat and the Permanent Lok Adalat by the order dated 11.11.2016 observed that it did not have jurisdiction to entertain the present

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application and instead the petitioner could file an appeal before the competent authority. The petitioner, thereafter, preferred an appeal before the Chief Executive Officer of Chandigarh Housing Board, Chandigarh on 16.03.2017. The appeal was dismissed by the appellate authority by the order dated 20.04.2017, which is impugned herein.

4. Learned counsel for the petitioner has contended that as the petitioner was earlier in judicial custody, he could not prefer application for allotment of flat and on his release, he had preferred an application, which should have been considered by the respondents. He has also contended that although the petitioner had been released from jail on 16.07.2012 he could not prefer the application on 01.03.2013 as he was under mental stress at that time due to false implication in the FIR.

5. We have heard the learned counsel for the petitioner.

6. The applications had been invited by the respondents by the letter dated 01.03.2013. It was mentioned that Form A could be collected from the Camp Office to enable the Estate Officer to verify the claim for allotment. The petitioner did not prefer the application at that time but only after a period of more than 02 years, which has rightly been declined by the respondents being time barred.

7. The explanation of the petitioner that he had been involved in a criminal case and could not file the application, cannot be accepted as the petitioner had been released from custody in the year 2012 and therefore, he could have filed the application in March, 2013 when the letter to this effect had been issued by the Estate Officer. There is no

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material on record that the petitioner was suffering from any mental illness or was under treatment after his discharge from custody which prevented him from tendering the application within time.

8. Consequently, we do not find any illegality in the impugned order rejecting the case of the petitioner for allotment of flat. The petition stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

04.04.2018

SwarnjitS

Whether speaking/reasoned :	YES
Whether reportable :	YES