

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

**CWP-5349-2018
Date of Decision: 07.03.2018**

HARBHAJAN SINGH AND ORS.Petitioners.

Versus

STATE OF PUNJAB AND ORS. ...Respondents.

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

Present: Mr. Arshdeep Singh Kler, Advocate for the petitioners.

Mr. R.S. Khosla, Senior Advocate with
Mr. Aman Sharma, Advocate
for respondents No.3 to 5.

ANUPINDER SINGH GREWAL, J.

The petitioners have preferred this writ petition for the issuance of Writ of Prohibition, prohibiting the respondents from dispossessing them from their residential houses without due process of law. They have also prayed for issuance of a Writ of Certiorari for quashing the public notice affixed on their premises on 03.03.2018 (Annexure P-3) whereby they have been asked to vacate their houses or otherwise face eviction.

2. It is the case of the petitioners that they are members of riot affected families, who migrated to the State of Punjab in the year 1984-1985 and they were provided shelter by the State of Punjab by giving them LIG flats in Phase 11, SAS Nagar Mohali. It is also stated that after taking possession of these houses in the year 1985, the petitioners had approached the authorities for

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regularizing the possession of their flats and also sought the issuance of red cards meant for riot affected victims but it has not been done so despite lapse of over 03 decades. When the matter had come up for hearing before this Court on 05.03.2018, the petitioner No.1, who had appeared in person, had stated that the petitioners had been residing in the LIG flats for over 30 years. This court had deferred the hearing to 07.03.2018 as the lawyers were abstaining from work and had stayed the dispossession of the petitioners till then.

3. Learned counsel for the petitioners has contended that as the petitioners were in possession of the flats for over 30 years they cannot be evicted without their rehabilitation at another place.

4. Mr. R.S. Khosla, learned Senior counsel has put in appearance for respondents No.3 to 5 and has contended that the eviction of the petitioners is in pursuance to the order passed by a single Bench of this Court in CWP No.16345 of 2009 decided on 14.09.2010, whereby the respondents therein were directed to constitute a Committee to undertake an exercise for identification of bona fide 1984 riot victims and thereafter, consider their cases for allotment in terms of the policy and advertisement issued on 14.11.2009. This order had attained finality after clarification by

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the order of the Division Bench of this Court in LPA No.260 of 2011 passed on 15.02.2011. The petitioners/appellants in CWP No. 16345 of 2009 and LPA No. 260 of 2011 had preferred COCP No.3016 of 2016 alleging disobedience of the orders of the Courts. The respondents had undertaken before the Contempt Court to comply with the orders.

5. Heard.

6. The petitioners have only pleaded that they had occupied these premises and had sought their regularization and issuance of red cards which had not been done by the respondents. The petitioners have not been able to produce any material, which would indicate that they were genuine riot affected victims and had been issued red cards by the government. In the absence of such material, it is difficult for this Court to issue the writs as sought for, in this petition. On the other hand, the flats, which the petitioners are occupying, have been allotted to 1984 riot affected persons in terms of the policy and the directions of this Court. These LIG flats are stated to have been meant to rehabilitate the 1984 riot victims and thus, applicants, who had been found to be genuinely riot affected, had been issued red cards and they had been considered for allotment of residential flats in terms of the policy of the government and the directions of this Court.

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7. Consequently, we do not find any merit in this petition,
which stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

07.03.2018
SwarnjitS

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO