

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

Sr. No.106

**CWP No.14903 of 2018 (O&M)**

**Date of decision : 16.7.2019**

Anil Kumar

..... Petitioner

**VERSUS**

Chandigarh Housing Board through its Chairman and others

..... Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY  
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Ms. Promila Nain, Advocate, for the petitioner.

\*\*\*\*\*

**SUDHIR MITTAL, J.**

The respondent-Chandigarh Housing Board (hereinafter referred to as 'the Board') floated scheme of one bedroom flat under Self-Financing Scheme, 2005, in which the last date of submission of application was 28.11.2005. Five percent reservation was granted in favour of Other Backward Classes (OBC). Allegedly, the petitioner submitted a complete application and vide letter dated 12.4.2006, he was informed that he was at No.1 in the waiting list as per the final draw of lots held on 18.1.2006. It is alleged that one Darshana Devi and one Munesh were wrongly allotted flats under the said scheme. He acquired knowledge of these illegal allotments on the basis of information supplied in the year 2014 under the Right to Information Act, 2005 (for short 'the Act'). Thereafter, a legal notice dated 30.7.2014, was issued and reply

dated 2.9.2014, was received thereto. On 27.1.2015, the Board published an advertisement in the newspaper that two flats under the said scheme were being auctioned. The petitioner objected to this vide his objection dated 15.1.2015 and requested for allotment of one of them to him and to cancel the allotments made in favour of Darshana Devi and Munesh. Thereafter, another flat was advertised for auction on 29.3.2015 and again the petitioner submitted his objection dated 8.4.2015. However, no relief was given to the petitioner and therefore, another legal notice dated 20.4.2015 was issued. Apart from that, number of representations were made, but to no avail. The petitioner approached this Court through CWP-23730-2015, which was disposed of vide order dated 5.11.2015 as being premature. However, direction was given to the respondents that objections contained in letter dated 22.7.2015, should be decided and the decision communicated to the petitioner. No decision was communicated and therefore, the petitioner filed COCP-2127-2016. Vide affidavit dated 8.11.2016, filed in the said contempt petition, order dated 21.10.2016, was communicated rejecting the claim of the petitioner on the ground that the waiting list was valid only for one year, whereas the petitioner submitted his objections on 12.1.2015. Consequently, the petitioner was not eligible to seek an allotment on the basis of waiting list. The present writ petition has been filed on the ground that aforementioned Darshana Devi and Munesh were wrongly allotted flats under the Self-Financing Scheme, 2005 and their allotment should be cancelled. The petitioner being No.1 in the waiting list should be given one of the flats vacated by them.

2. As has been noticed above, the order rejecting the claim of the petitioner was passed on 21.10.2016 and the present writ petition is dated 28.5.2018. The same is thus, belated. Moreover, the order dated 21.10.2016, specifically states that the waiting list lapsed after one year i.e. on 17.1.2007, whereas the petitioner submitted his objection only on 12.1.20015. The petitioner cannot claim any right of allotment on a preferential basis as the waiting list had already expired eight years before a representation was made by him. Accordingly, the order dated 21.10.2016, is valid and legal and no error can be found therein. Wrong allotment having been made to third party, cannot clothe the petitioner with any right.

3. The writ petition is without any merit and is accordingly, dismissed.

**(DAYA CHAUDHARY)**  
**JUDGE**

**(SUDHIR MITTAL)**  
**JUDGE**

**16.7.2019**

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No