

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 116

Case No. : C.W.P. No. 35272 of 2019

Date of Decision : December 04, 2019

Awan Kumar

.... Petitioner

vs.

Union Territory, Chandigarh  
and others

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY.  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.**

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Present : Mr. R. N. Maurya, Advocate  
for the petitioner.

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**MEENAKSHI I. MEHTA, J. :**

By way of this petition, the petitioner has sought the issuance of a writ in the nature of certiorari for quashing the impugned orders dated 25.05.2018, 12.07.2019 and 04.10.2019 passed by respondents no. 2, 3 and 4 respectively, whereby his claim for allotment of a tenement under “The Chandigarh Small Flat Scheme, 2006” has been declined. A further prayer has also been made for issuance of a writ in the nature of mandamus directing the respondents to accept his application, i.e. Form-A, for allotment of the Flat under the said Scheme.

As per the brief factual matrix, as set forth in this petition, the

Chandigarh Administration, with an aim to provide succor to the dwellers of

the slum area in its territory, identified 18 colonies including the one, in which the petitioner had been residing and floated the said Scheme for their rehabilitation. A bio-metric survey of the so identified colonies was also got conducted and the petitioner, having been found eligible for allotment of a flat under this Scheme, was supplied Form-A, i.e. application on the prescribed format, bearing No. 19875, by the respondents in the year 2010. However, due to the demise of his paternal uncle, the petitioner had to visit his home town and hence, he could not submit the said application to the respondents on the date prescribed for this purpose. Then, on approaching the concerned officials of respondent no. 2 on several occasions, he was assured by them that he would be intimated about the fresh date for submission of his 'Form-A'.

Thereafter, he received a letter dated 26.02.2013, issued by the Estate Officer, asking him to submit the said application during the period from 11.02.2013 to 13.03.2013, but after the expiry of the last date, i.e. 13.03.2013 and it was dispatched by the office of the issuing authority on 04.03.2013. Then, the petitioner again visited the office of respondent no.2 for submitting 'Form-A' but the same was not accepted and finally, he was constrained to move an application dated 22.01.2016 before the Permanent Lok Adalat but the same was dismissed vide order dated 20.01.2017 for want of jurisdiction.

On 15.02.2016, the petitioner submitted his application along with Form-A and other requisite documents with the request for acceptance

thereof and also filed appeal bearing No. 353 of 2017 before the Appellate Authority which was disposed of on 20.02.2018 while observing that the decision qua the acceptance of Form-A lay with the competent authority and it (Authority) did not pass any order as Form-A was not available with them.

The petitioner again filed an application before respondent no.2 on 09.05.2018 for submitting his Form-A but the same was also rejected vide order dated 25.05.2018 without assigning any reason. Thereafter, he preferred an appeal before respondent no.3 against the order of rejection but his appeal was also dismissed by respondent no.3 vide order dated 12.07.2019. Finally, the petitioner filed revision petition to assail the said order passed by the Appellate Authority but this petition also met the same fate vide order dated 04.10.2019 passed by respondent no.4.

Learned counsel for the petitioner submits that the letter (Annexure P-14) requiring the petitioner to collect Form-A and to get his claim verified under the said Scheme between 11.02.2013 to 13.03.2013, has been shown to be dispatched on 04.03.2013 but it was received by the petitioner after the afore-prescribed last date, i.e. 13.03.2013 and therefore, he could not avail this opportunity to submit Form-A. He further contends that the petitioner could not submit his application form in time in the year 2010 as he had to go to his native place on account of death of his uncle and the impugned orders have been passed by respondents no.2 to 4 without giving due consideration to the afore-discussed facts and circumstances and

therefore, these are liable to be set aside and the respondents are, rather, liable to be directed to accept the petitioner's Form-A for allotment of a flat under the said Scheme.

After giving our thoughtful consideration to the averments, as canvassed in the present writ petition as well as the contentions raised by learned counsel for the petitioner, we are of the considered opinion that this petition is devoid of merit because the explanation, as advanced by the petitioner for his failure to submit Form-A on the first occasion in the year 2010, has not been supported by any cogent material on the record as he has not even placed the death certificate of his uncle on the file.

As far as the contention regarding the receipt of letter Annexure P-14, which appears to have been dispatched on 04.03.2013, by the petitioner, after the expiry of the last date for collection of Form-A is concerned, the petitioner has not been able to adduce any postal receipt/envelope on the file showing its receipt by him after the said last date.

To cap it all, a bare perusal of the order dated 04.10.2019, as passed by respondent no. 4 rejecting the revision petition of the petitioner, reveals that in its paragraph no.5, the Revisional Authority has categorically mentioned that the Estate Officer had given a public notice in the newspaper on 31.10.2013, inviting the persons, whose claims were pending, to approach the Screening Committee before 15.11.2013 and that the petitioner had also failed to approach the said Committee. The petitioner has not

disclosed the above-narrated factum of the publication of the said notice in the newspaper, in this petition nor has advanced any explanation for his failure to avail this opportunity.

From the afore-discussed facts and circumstances, it is crystal clear that the petitioner has failed to come forward with any cogent and plausible justification for the lapse on his part to submit his Form-A to the competent authorities despite having been afforded the afore mentioned opportunities.

As a sequel to the foregoing discussion, this petition, being sans any merit, is hereby dismissed.

(DAYA CHAUDHARY )  
JUDGE

(MEENAKSHI I. MEHTA)  
JUDGE

December 04, 2019  
*monika*

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| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |