

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 121

Case No. : C.W.P. No. 35525 of 2019

Date of Decision : December 06, 2019

Mansur Ali and others		Petitioners
vs.		
Housing Board Haryana and others		Respondents

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

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Present : Mr. S. K. Hooda, Advocate
for the petitioners.

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MEENAKSHI I. MEHTA, J. :

This petition has been preferred by the petitioners for seeking issuance of a writ in the nature of certiorari/mandamus for quashing the public notice, as got published by respondent no. 1–Housing Board Haryana on 27.11.2019 in newspaper-The Tribune and directing the respondents to allot them the flats of EWS category, built by respondent no.4 in Paras Dew's Colony, Gurugram.

2. As per the brief factual matrix, as put forth by the petitioners in this writ petition, the State of Haryana, after reviewing its old policies dated 03.02.2010 and 14.06.2012, floated a fresh policy dated 08.07.2013 with the object to provide houses to the down-trodden/weaker sections of its

dwellers which prescribed for reservation of 15% of the total number of the residential flats in the Group Housing Colonies for the aforesaid purpose. These flats were supposed to be approximately 200 sq.ft. in area with the cost of Rs.1.5 lakh per unit. Respondent no. 4 got a license issued in its favour for developing a colony named as Paras Dew's Housing Project in Sector 106, in village Daulatabad, District Gurugram and in May, 2017, it invited applications from the persons belonging to EWS/BPL category for allotment of 129 flats in the said colony. The petitioners, being eligible under the above-said category, submitted their applications in the office of respondent no. 4 alongwith the demand drafts of Rs.15,000/- each. Respondent no. 4 was granted Completion Certificate by respondent no. 3 – Department in respect of the said project and then, the petitioners approached respondent no.4 for seeking possession of the flats after holding draw of lots but in vain.

3. In the meantime, the State of Haryana, in supersession of its earlier policy dated 08.07.2013, issued fresh policy on 17.05.2018 for allotment of the flats of the said category whereby the power to fix the date for holding draw of lots had been vested with respondent no. 1. Respondent no. 4, after getting the Occupation Certificate on 15.01.2019, wrote a letter to respondent no. 1 on 30.07.2019 with the request to initiate the process of allotment of the said 129 flats. They (petitioners) also made a similar request to respondent no. 3 but to no avail. Finally, they were constrained

to prefer a complaint at C.M.Window in this regard but the same is still pending. Rather, respondent no. 1 has got the impugned notice published in the newspaper for inviting fresh applications for allotment of 772 flats reserved for EWS category in several projects, including the said 129 flats, along with registration fee of Rs.10,000/- despite the fact that they had already deposited the amount of Rs.15,000/- each while submitting their application Forms in September, 2017 as mentioned earlier.

4. We have heard learned counsel for the petitioners in the instant petition. He contends that after the issuance of the Occupation/Part Occupation Certificate, respondent no. 4 was required to hold draw of lots in respect of said 129 flats reserved for EWS category but however, it did not carry out the requisite process accordingly and now, after the issuance of the new policy for allotment of plots/flats for EWS category on 17.05.2018, the impugned public notice has been got advertised by respondent No.1-Housing Board Haryana for allotment of the flats of the above-said category, including the said 129 flats, afresh which is not legally sustainable.

5. After giving our thoughtful consideration to the contentions as raised by learned counsel for the petitioners, we are of the considered view that the present petition is sans any merit because Annexure P-1 is the copy of the policy, as floated by the competent Authority on 08.07.2013 for allotment of plots and flats, earmarked for EWS category in the licensed

colonies and Annexure P-3 is the copy of the policy, as circulated by the State of Haryana on 17.05.2018 in supersession of the above said earlier policy. Annexure P-12 is the copy of the impugned public notice and Annexure P-13 is the list containing details of the license holders, their projects and the flats which includes the said 129 flats of respondent no. 4.

6. A bare reading of Annexure P-1, i.e. the copy of the old policy of 2013 and Annexure P-3, i.e. the copy of the new policy of 2018 reveals that the percentage of the number of residential flats required to be reserved for EWS category, the minimum size of such flats and the maximum cost or price of these flats, as provided in the old policy, remain unaltered in the new policy. However in the earlier policy, the date for holding draw of lots for allotment of such flats was to be fixed by the concerned Senior Town Planner whereas as per the new policy, the Housing Board Haryana is required to conduct draw of lots. The petitioners have not been able to come forward with any justifiable and plausible ground or reason to explain as to how the conducting of the draw of lots as per the new policy would be detrimental to their eligibility or claim for allotment of the flats of the said category because the mode of allotment in both the policies remains the same, i.e. by conducting draw of lots and it being so, deposit of the registration fee and submission of the application by the petitioners can, by no stretch of imagination, be construed to have conferred any right upon them.

7. As a sequel of the foregoing discussion, this petition, being devoid of any merit, is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

December 06, 2019
monika

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