

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-18645-2018

Date of Decision: 13.1.2020

Dilshad Ahmed

...Petitioner

Versus

Union Territory of Chandigarh and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MR. JUSTICE KARAMJIT SINGH.**

PRESENT: Mr. Sumer Singh Brar, Advocate for the petitioner.

**Ms. Geeta Sharma, Advocate and
Ms. Priyanka Dala, Advocate for the respondents.**

RAJAN GUPTA, J. (Oral)

Petitioner has prayed for a writ in the nature of certiorari for quashing order dated 2.1.2018 (Annexure P-3) whereby his claim for allotment of a flat under the Chandigarh Small Flats Scheme, 2006 (for short "the Scheme") has been rejected.

It is contended before the court that the petitioner enclosed a copy of birth certificate of his daughter, namely, Shaniya, born on 7.5.2005, wherein her place of birth was mentioned as '# 2062/2, Block K, Colony No.5, Chandigarh'. According to him, said address also figures in certificate (Annexure P-4) issued by Chandigarh Administration, Department of Health. Besides, other documents, such as Identity Card issued by Election Commission of India would show that the petitioner was a resident of the

said colony during the relevant period. Thus, his claim has been arbitrarily rejected.

A perusal of the order shows that the authorities have rejected the plea of the petitioner on the ground that the birth certificate cannot be considered as admissible statutory document under the Scheme. A query has been put to learned counsel representing the respondents regarding this contention, no clear answer is forthcoming. She has not been able to point out any stipulation that the birth certificate is not a statutory document under the Scheme. Besides, the stand of the petitioner is that he was subjected to biometric survey. There is no reference in the impugned order to the result thereof qua the petitioner.

In view of above, the impugned order is not only non-speaking in nature but suffers from ambiguity. Same is hereby set aside. Matter is remitted to the same authority for decision, in accordance with law.

(RAJAN GUPTA)
JUDGE

January 13, 2020
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(KARAMJIT SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No