

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

RSA-90-2020 (O&M)
Date of decision : 17.01.2020

Manjay Kumar

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yowan Sharma, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM-261-C-2020

For the reasons stated in the application, which is duly supported by an affidavit, delay of 92 days in refiling the present appeal is condoned.

Application is allowed.

CM-262-C-2020

For the reasons stated in the application, which is duly supported by an affidavit, delay of 1 day in filing the present appeal is condoned.

Application is allowed.

Main case

Plaintiff-appellant is in the Regular Second Appeal against

the concurrent findings of fact arrived at by the Courts below while dismissing the suit filed by the plaintiff praying for decree of declaration that the plaintiff is entitled to allotment of plot No.39-A situated at Sector-26, Panchkula.

State of Haryana floated a scheme for providing houses to economic weaker sections of the society, living in the unauthorized colonies. Applications were invited. The plaintiff applied in the name of his father who had already died before that date of application. An amount of ₹1000/-, was deposited. Once, the allotment was made, this fact came to the notice of the authorities and they issued show cause notice on 21.05.2012. The reply submitted by the appellant was found unsatisfactory resulting in cancellation of the allotment. The appellant filed the present suit, as noticed above.

Both the Courts, on appreciation of evidence, have found that since the applications were made by the applicant in the name of his father who was undisputedly not alive on that day, the Courts have refused to grant any declaration.

Learned counsel for the appellant submitted that the appellant is an illiterate person and he did not know the technicalities. He submitted that certain local leaders had got filled up the aforesaid application form.

This Court has considered the submissions. However, find no substance therein.

Under the Welfare Scheme floated by the State Government, benefit was sought to be extended to weaker sections of the society.

However, the plaintiff, rather than coming with clean hands, misled the authorities. The eligibility of the appellant has never been examined by the authorities. In these circumstances, the allotment in favour of a person who had already died has rightly been cancelled.

In view of what has been observed above, the present appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

17.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No