

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

116

CWP No.5693 of 2022(O&M)

Date of Decision: 04.04.2022

Rajana Devi

...Petitioner.

Versus

State of U.T. Chandigarh and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Ms. Aruna Sachdeva, Advocate for the petitioner.

Mr. Aditya Pal Singla, Advocate and

Mr. Tanmoy Gupta, Advocate for respondents No.1 and 3.

Mr. Indresh Goel, Advocate for respondent No.2.

Amol Rattan Singh, J.(Oral)

By this petition, filed under the provisions of Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari, setting aside the notice dated 13.02.2022 (Annexure P-13), vide which the respondents have declared the *Jhuggis* in Colony No.4 to be illegal and have ordered their demolition.

On 22.03.2022, following order was passed by this Court:-

“Vide this petition, the petitioner seeks the issuance of a writ especially in the nature of *certiorari*, setting aside the notice dated 13.02.2022 (Annexure P-13) vide which the respondents have declared the *Jhuggis* in colony no.4 illegal and ordered their demolition.

She also seeks issuance of a writ in the nature of *mandamus* directing the respondents to allot her a flat under Small Flats Scheme 2006 floated by Chandigarh Administration. She further seeks that the order of demolishing of *Jhuggi* no.268 in colony no.4 be stayed.

Mr. Tamayo Gupta, Advocate, accepts notice at the asking of the court on behalf of respondents no.1 and 3, with Mr. G.S. Wasu, Advocate, accepting notice on behalf of respondent no.2.

They would take specific instructions with regard to the status of the petitioners'/her husbands' application for allotment of a flat under the Small Flats Scheme.

Adjourned to 04.04.2022.

To be shown in the urgent motion list.

Copies of the petition be provided to learned counsel for the respondents by the counsel for the petitioner today itself.”

Today, learned counsel appearing for respondents No.1 and 3 submits that as a matter of fact the allotment to Ram Bilas, who the petitioner claims to be the widow of, actually was approved in terms of the aforesaid scheme (Small Flats Scheme 2006), but with a person named as Satrohan having filed an objection/complaint, stating that the petitioner (Rajana Devi) is not the wife of deceased Ram Bilas and that in fact he (Satrohan) is the son of Ram Bilas and one Ram Dei, who was his legally wedded wife. He submits that the said complaint is under consideration with the Screening Committee.

On being confronted with the above, learned counsel for the petitioner submits that she would await the decision of the Screening Committee.

However, we are of the opinion that if the decision of the Screening Committee comes in favour of the petitioner obviously this petition would be rendered infructuous (subject to any remedy that any person aggrieved of such order would avail of); and if the decision of the Screening Committee comes against the petitioner, whether or not she is the legally wedded wife of the deceased Ram Bilas, is not something that this court would be able to decide in these proceedings and the petitioner would have to take an alternative remedy before the civil court.

Consequently, this petition is disposed of with the aforesaid observations, there being nothing further to be done/ordered by the court at this stage.

The Screening Committee would consequently take a final decision on the matter within a period of three months from the date of receipt of a certified copy of this order.

(AMOL RATTAN SINGH)
JUDGE

APRIL 4, 2022
'D. Gulati'

(LALIT BATRA)
JUDGE