

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

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CWP No.7158 of 2020(O&M)

Date of Decision: 25.03.2022

Anguri (deceased) through her LR

....Petitioner.

Versus

Appellate Authority under Section 72(A) of the Haryana Housing Board Act, 1971 and others

....Respondents.

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

Present: Mr. Sandeep Raj Duggal, Advocate for the petitioner.

Amol Rattan Singh, J.(Oral)

By this petition filed under the provisions of Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari/mandamus seeking setting aside of the orders dated 18.04.2017 (Annexure P-6) and 19.07.2019 (Annexure P-10), in terms of which the respondent-Board has cancelled the allotment of EWS Flat (final Reg. No.17), of the petitioner. The petitioner has further prayed for setting aside of the order dated 03.05.2018 (Annexure P-8), in terms of which the appeal preferred by her against the said cancellation order was dismissed. She has further prayed for a direction to the respondents to restore the aforesaid allotment and to comply with all consequential formalities, in light of the ratio of the judgment dated 21.05.2015 passed by this Court in CWP No.2961 of 2014 (Sarbaty Devi Vs. Appellate Authority and another) and a judgment dated 19.07.2018 passed in CWP No.17473 of 2018 (Smt. Shanti Vs. Appellate Authority under Section 72-A of the Haryana Housing Board Act, 1971 and others).

Learned counsel for the petitioner submits that in fact he confines his prayer to the issue of the appeal decided by the Secretary, Housing Board, Haryana (copy Annexure P-8), dated 03.05.2018, not having been passed by a reasoned order at all with only a very short cryptic order having been passed. He further submits that in a similar situation, a co-ordinate Bench of this Court, in the case of Shanti Devi (supra) had remitted the case to the appellate authority for a reasoned decision. It was also observed in the order that the allotment of flats under the EWS scheme would be covered by the ratio of the judgment of this court passed in CWP No.2961 of 2014 (Sarbatı Devi Vs. Appellate Authority and another).

Consequently, this petition is allowed to the extent that the order dated 03.05.2018 passed by the appellate authority is set aside with a direction to the Appellate Authority to consider the petitioner's claim accordingly by passing a detailed speaking order. It is made clear that as to whether the petitioner's case would be covered by the ratio of Sarbatı Devi's case (supra) or not, is not being commented upon by this court, which is something that the appellate authority would be required to go into.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

25.03.2022

D.Gulati

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No