

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

CWP-13556-2018

Date of Decision: 01.12.2022

Estate Officer, Union Territory, Chandigarh

..... Petitioner

Versus

Kamla Devi @ Kewla Devi widow of Late Sh. Bishav Nath Yadav and
another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Aakanksha Sawhney, Additional Standing Counsel,
for the petitioner.

Mr. Chanderdeep Singh, Advocate,
for respondent No.1.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari quashing the order dated 15.12.2017 (Annexure P-11) passed by respondent No.2, whereby the review application filed by the petitioner has been dismissed; as also seeking quashing of the order dated 18.09.2013 (Annexure P-8), whereby application filed by respondent No.1 under Section 22 C(1) of the Legal Services Authorities Act, has been allowed and the administration has been directed to allot an alternative site to respondent No.1.

It is not in dispute that this Court, vide judgments delivered on 26.08.2016 in **CWP-10479-2016** titled as **Nek Ram Vs. Chandigarh Housing Board, Chandigarh and others** and **CWP-11078-2016** titled as **Roshan Ali Vs. Chandigarh Housing Board, Chandigarh and others**, has already held that the Permanent Lok Adalat (Public Utility Services) does not have the jurisdiction to deal with the matter of housing, which is

involved in the present petition. Therefore, the order passed by the Permanent Lok Adalat (Public Utility Services), U.T., Chandigarh, cannot be sustained. Accordingly, the present petition is allowed in view of the above-said judgments passed by this Court and the impugned orders are set aside.

However, the petitioner would be at liberty to avail alternate remedy of statutory appeal under Clause 17 of the Chandigarh Small Flats Scheme, 2006. It is further ordered that since the petitioner has been agitating the matter before this Court, therefore, if the petitioner prefers an appeal within six weeks from today then the said appeal shall be treated to be within limitation and the same shall be decided on merits by the appellate authority.

(RAJBIR SEHRAWAT)
JUDGE

01.12.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No