

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

114

CWP-23795-2022
Date of decision:30.11.2022

Rajdev Mehra and another

...Petitioners

Versus

Union Territory Chandigarh and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. P.K. Mutneja, Sr. Advocate with
Mr. Abhishek Joon, Advocate
Mr. Himanshu Mehta, Advocate
Mr. Abhishek Sandhu, Advocate
Ms. Ekta Sharma, Advocate
Ms. Suverna Mutneja, Advocate for the petitioners.

Mr. Jaivir Chandail, Addl. Standing Counsel and
Ms. Shubhpreet Kaur, Advocate for U. T. Chandigarh.

Mr. Gagandeep Singh Wasu, Sr. Standing Counsel with
Mr. Akshay Kumar Jindal, Advocate for respondent-CHB.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Rajneesh Kumar Shelly, Advocate
for respondent No.3.

HARINDER SINGH SIDHU, J.

The petitioners have filed the present petition seeking directions to the respondents to consider their case for allotment of one room flat in terms of The Chandigarh Small Flats Scheme, 2006.

The father of petitioner No.1 namely Ram Pujan shifted to Chandigarh in the early 1980. He set up his house/Juggi in Labour Colony No. 4, Chandigarh. Ram Pujan obtained a voter card at the same address.

Petitioner No. 1 shifted to Chandigarh in the year, 1998 from his home town Bihar and started living with his father. Petitioner No.1

and his father and other family members were issued a ration card at the said address.

In the year, 2006, the Chandigarh Administration floated a scheme known as “The Chandigarh Small Flats Scheme, 2006” with the objective to rehabilitate/relocate the slum dwellers in the city. Though there were about 41 slums in the city, 18 slums were notified for obtaining the benefit under the said scheme.

For the purpose of allotment of a one room flat under the Scheme a biometric survey was conducted in March, 2006, in the notified colonies including Colony No.4, Chandigarh where the petitioner alongwith his father and other family members was residing. Petitioner No.1 participated in the biometric survey and his name was recorded therein. (Father of petitioner No.1 died in the year, 2017). As petitioner No.1 possessed a voter card and his name also figured in the biometric survey he was eligible for allotment of a flat in terms of the said scheme.

The case of the petitioners is that an application form was distributed by the Chandigarh Administration to the applicants which was to be submitted for applying for a flat under “The Chandigarh Small Flats Scheme, 2006”. Application Form No. 33367 was issued to the petitioner No.1 against Folio No. 18492 (P-7). Petitioner No.1 had submitted duly filled application form with the respondents for the allotment of the flat under the scheme.

The colony is in the process of being demolished. While the other eligible applicants have been allotted flats, the petitioner No.1 has not been allotted. Petitioner No.1 once again applied to the respondents

for allotment of a flat vide application No. 422312 dated 01.07.2019 (Annexure P-12). He also sent a legal notice (Annexure P-11) requesting the respondents to consider his claim for allotment of a flat under the said scheme, but no action has been taken thereon.

On instructions, Mr. Chandail, learned counsel for U.T. states that Form No. 33367 issued against Folio No. 18492, which the petitioner claims to have submitted has not been traced out in the office. A perusal of the Folio Data of the 18 colonies also reveals that the petitioner did not submit Form No. 33367 which was issued against Folio No. 18492.

Mr. Mutneja, learned Senior counsel for the petitioners submits that the petitioners has no place to reside. Petitioner No.1 met with an accident on 10.08.2022. He was treated and operated at PGI and since then he is in Coma. He is drinking, eating and urinating through pipes. Petitioners have three children, a girl aged about 12 years and two male children 8 years and 5 years. Petitioner No.1 is the sole bread earner of his family consisting of his wife and three small children. They have been living on the road as the sole surviving member i.e. petitioner No.1 is in coma and unable to provide for meeting the daily expenses of the family.

The case of the petitioner No.1 is that he is eligible for allotment of a flat under the Scheme in as much as he fulfilled both the criteria i.e.

(i) he was enrolled as a voter

(ii) his name also figured in the biomertic survey.

He submitted an application for allotment of the flat. The

respondents on the other hand claim that the application Form was never submitted by petitioner No.1.

Mr. Chandail, learned counsel for respondent-U.T. however states that the scheme is yet continuing and allotments to the persons found eligible are still being made.

In view of the aforesaid and considering the medical condition of petitioner No.1 and without going into the question whether petitioner No.1 had submitted the application form issued to him, this petition is disposed of with the direction to respondents to process the claim of the petitioners on the basis of the subsequent application (Annexure P-12) submitted by the petitioners.

As petitioner No.1 is unable to move, the respondents may grant a personal hearing to petitioner No.2 (wife of petitioner No.1) and grant her liberty to submit any supporting document which may be required.

The Estate Officer, U.T. Chandigarh may communicate the time and place the documents that the petitioner No.2 would be required to submit at #541, Sector 18-B. Chandigarh, Mobile No. 8968886007 and email address ajoon1996 @ gmail. com.

The necessary communication be sent within the period of 21 days from today.

(HARINDER SINGH SIDHU)
JUDGE

(LALIT BATRA)
JUDGE

30.11.2022
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1. Whether reportable?
2. Whether reasoned / speaking?

Yes / No
Yes / No