

CWP-22731-2021

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

CWP-22731-2021

Date of decision : 19.01.2023

Jitender Kumar and others

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ajay Vijarnia, Advocate, for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Sanjeev Majra, Advocate, for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 22.11.2022, following order was passed by this Court:-

“Learned counsel for respondent No.2 submits that till date applications invited for allotment of dwelling units under Ashiyana Scheme meant for District Gurugram and Rewari are being scrutinized and final report is yet to be prepared. He further submits that in respect of District Rewari it would take one month time, whereas qua District Gurugram it would take atleast five months time to conclude the scrutiny.

The Ashiyana Scheme meant for economically weaker sections of the Society was floated way back in the year, 2016 and the main object of the scheme is to

rehabilitate the needy persons.

It has been recorded in the order dated 07.04.2022 that as per the affidavit dated 18.01.2022 filed by the Chief Administrator the scrutiny and draw of lots was to be completed within three months which expired on 17.04.2022. The case was adjourned to 01.08.2022 and another status report was directed to be filed.

When the case came up for hearing on 29.08.2022 affidavit of the Chief Administrator HSVP was filed wherein details of the steps taken by the respondents were mentioned. More time was sought for completion of the verification process and holding draw of lots for eligible persons. Today, again more time as stated above has been requested.

Adjourned to 19.01.2023.

It is expected that the respondents will finalize the scheme before the date fixed failing which we may be constrained to call for the presence of Chief Administrator, Panchkula.”

In compliance with the above order, an affidavit of the Chief Administrator, HSVP, dated 18.11.2023 has been filed in Court, which is taken on record. In the said affidavit, it has been mentioned that so far as the Ashiana Flats in Sector 18 (Defence), Urban Estate, Rewari is concerned, 07 applicants were found eligible for allotment of flats. The Estate Officer, HSVP, Rewari, had constituted a Committee and has included 14 other

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applicants for draw of lots subject to verification of the permanent house condition. Petitioner No.3 – Jagpal son of Shree Ram has not been found eligible by the Committee due to the reason that he is having permanent (Pucca) house.

Let the draw of lots of these flats be carried out qua the eligible applicants within a period of three weeks from today and the possession handed-over to the successful applicants within a further period of two months.

As regards the Ashiana Flats in Sector 47, Urban Estate Gurugram, it has been stated that the Estate Officer-II, HSVP Gurugram, vide letter No.12198, dated 28.12.2022 had submitted the proceedings of the constituted Committee conducted under the Chairmanship of the Additional Deputy Commissioner, Gurugram. The Committee has found 375 applicants eligible under BPL category and 101 applicants under EWS category. Petitioners No.1 and 2, namely, Jitender Kumar and Ramesh have been found eligible by the Committee. Since the flats in Sector 47, Gurugram are in dilapidated condition and not fit for human habitation as per the Engineering Wing's report, the draw of lots cannot be conducted at this stage.

Learned counsel respondent No.2, on instructions from Chief Administrator, Panchkula, states that a new project for construction of EWS flats in Sector 9, Gurugram, would be carried out and the construction thereof would be completed within a period of two and half years. It has also been mentioned that the provisional certificate of eligibility will be given to the applicants who have been found eligible for allotment of flats which includes the two petitioners i.e. petitioner Nos.1 and 2, who will be considered for

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allotment of EWS flats in Sector 9, Gurugram, where the project is to be launched.

In the light of the above, we dispose of the present writ petition binding down the HSVP with the statement and affidavit of the Chief Administrator, HSVP, Panchkula. The draw of lots of the eligible candidates as have been found by the committee shall be carried out after the completion of two years from today and the possession handed-over to the eligible applicants on the completion of the project forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

19.01.2023
Harish

(VIKRAM AGGARWAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>