



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8239 of 2019
Date of decision: 18.09.2024.

Krishna Devi
.....Petitioner
Versus
State of Haryana and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate
for respondents No.2 to 4.

Mr. Varun Gupta, Advocate
for respondent No.6.

VIKRAM AGGARWAL, J.

1. The petitioner who is a widow and a senior citizen was allotted
HIG Flat No.2001/SF(C) in Housing Board Colony, Sector-1, Narnaul, in
pursuance of a draw held on 14.08.2018. Keeping in view the old age and
ailments that the petitioner was suffering from, she found it difficult to live
in the flat which was on the second floor. Accordingly, she made a request
to change her flat from the second floor to the ground floor because there
was no provision of elevators.

2. On her requests having gone un-responded, she preferred CWP
No.23671 of 2018 which was disposed of by a Co-ordinate Bench on



17.09.2018 (Annexure P-1) giving directions to the respondents to sympathetically consider the request of the petitioner for allotment of a ground floor flat on payment of such additional charges as may be prescribed in the rules/regulations. It was also directed that an appropriate decision be taken within a period of three months;

“The petitioner has been allotted an HIG flat on the second floor by Haryana Housing Board through draw of lots. These flats are situated at Sector-01, Narnaul. It appears that even before formal allotment of flats on 14.08.2018, the petitioner made a representation that she may be considered for allotment of flat on ground floor. The facts averred in the writ petition reveal that the petitioner is a widow and is also a senior citizen. She is living all alone after the death of her husband. She herself go to market etc. for day to day needs. She is also suffering from ailments and is getting treatment from a hospital at Jaipur.

Having regard to all the mitigating circumstances averred by the petitioner but without expressing any views on merits, the writ petition is disposed of with a direction to Chief Administrator, Haryana Housing Board to sympathetically consider the request of the petitioner for allotment of ground floor flat, on payment of such additional charges as may be prescribed in the rules/regulations. Let an appropriate decision be taken within a period of three months from the date of receiving a certified copy of this order.

Dasti.”

3. It is the case of the petitioner that despite specific directions having been issued by the Division Bench of this Court, the case of the petitioner was not considered and on the contrary, a draw was held on 23.01.2019 at the back of the petitioner in which only two flats at the ground



floor were included and were allotted to two other persons vide order dated 22.02.2019 (Annexure P-5). It is the grievance of the petitioner that the respondents have violated the directions passed by the Division Bench and willfully did not include her name in the draw of lots.

4. On the contrary, it is the stand of the respondents that in compliance of the directions issued by the Division Bench, a speaking order dated 11.01.2019 (Annexure R2/1) was passed and it was ordered that a mini draw of two vacant flats be held amongst three applicants including the present petitioner on 23.01.2019 at 11.A.M. It is the categoric case of the respondents that this order was duly conveyed to the petitioner and her name was also included in the draw of lots held on 23.01.2019 but the petitioner remained unsuccessful.

5. Learned counsel for the petitioner, however, maintains that no such order was received by the petitioner and in fact the name of the petitioner was not included in the draw of lots.

6. At this stage, learned counsel for respondents No.2 to 4 reiterates his stand but submits that the name of the petitioner shall still be considered for allotment of a flat at the ground floor. He submits that in case any flat is vacant at the ground floor in the area concerned, the same shall be re-allotted to the petitioner and in case at present, there is no vacant flat on the ground floor in the area concerned but in future some flat at the ground floor becomes available, the petitioner shall be considered for re-allotment of the same on priority.

7. Learned counsel for the petitioner submits that in view of the categoric statement made by learned counsel representing respondents No.2



to 4, the petitioner would have no grievance left at this stage and that the instant writ petition be disposed of in terms of the statement made by learned counsel for respondents No.2 to 4.

Accordingly, the writ petition is disposed of in terms of the statements given by learned counsel for the parties, binding them to the same. This Court is sanguine that as stated today, respondents No.2 to 4 will sympathetically consider the case of the petitioner and stand by the statement given in Court. In case of violation of the said statement, the petitioner would be at liberty to avail such other remedies as shall be admissible in law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

September 18, 2024
Rekha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No