



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25542-2024(O&M)
Date of decision: 03.10.2024

Ram Baran
... Petitioner
Versus
Union Territory Chandigarh Administration and others
... Respondents

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

Present: Ms. Bhupinder Kaur, Advocate, and
Ms. Kamlesh, Advocate, for the petitioner.
Mr. J.S. Chandail, Addl. Standing Counsel, and
Mr. Rakesh Sobti, Advocate,
for respondents No.1 & 3-UT, Chandigarh.
Mr. Gagandeep Singh Wasu, Senior Standing Counsel,
for respondent No.2-CHB.

ARUN PALLI, J. (Oral)

The petitioner (Ram Baran) has prayed for the following
substantive relief:

“Civil Writ Petition under Articles 226/227 of the
Constitution of India for issuance of a Writ of
Mandamus to the respondents to rehabilitate the
petitioner by allotting him alternate accommodation
under “Licensing of Tenements and Sites and Services in
Chandigarh Scheme, 1979” (Annexure P-1) in view of
the fact that the petitioner had been removed from
S.B.S. Colony on 25/26.06.2003 by demolishing his
jhuggi and had submitted his application to the
respondent no.2 for allotment of alternate
accommodation, within the prescribed period, and
therefore, is eligible for allotment of alternate
accommodation under the policy, (Annexure P-1).

AND/OR



To issue a Writ of Mandamus to the respondents to rehabilitate the petitioner by allotting him alternate accommodation in terms of scheme namely The Chandigarh Small Flats Scheme 2006 (Annexure P-3)”

Learned counsel for the petitioner submits that the petitioner had constructed a Jhuggi (No.946) at Sahid Bhagat Singh Colony, Sector 49, Chandigarh. Which, however, was demolished by the respondent-Administration on 25/26.06.2003. Resultantly, the petitioner along with the other identically circumstanced persons had approached this Court vide CWP-19016-2013 (*Mushaha Prasad and others v. Union Territory Chandigarh Administration and others*). The said petition was disposed of by a Coordinate Bench on September 23, 2013, with liberty to the petitioners to move the competent authority by filing a detailed representation within a period of month. And, it was also observed that in the event, any such representation is made within the said period, the same shall be considered and decided by the Administration in view of the decision of this Court in *Hari Parsad and others v. UT Chandigarh Administration and others (CWP-5353 of 2011, decided on 01.10.2012)*.

It is urged that in terms of the said order, the petitioner moved the requisite application within the stipulated time, but even though years have rolled by, the claim of the petitioner is yet to be addressed. However, pursuant to legal notice dated December 1, 2023 (P-10), the authority was served with, the respondent-Administration, vide communication dated March 28, 2024 (P-12), with reference to the Chandigarh Small Flats Scheme, 2006, required the petitioner to furnish certain documents so as to process his claim. It is submitted that even though, all the necessary documents in terms of the said communication have since been furnished, but again no order has been passed by the respondent-authorities.

Served with the advance copy of the petition, Mr. J.S. Chandail, learned Additional Standing Counsel, UT, Chandigarh and Mr. Gagandeep Singh Wasu, Senior Standing Counsel, CHB, are present in Court on behalf of respondents No.1 & 3 and respondent No.2, respectively.



At the outset, on instructions, learned Additional Standing Counsel, UT, Chandigarh submits, for the Competent Authority is already in seisin of the claim of the petitioner, and the same is being considered, it would rather be expedient if this petition is disposed of, at this stage, to enable the respondent(s) to pass the necessary orders. He submits that every possible endeavour shall be made to consider the concerns/grievances of the petitioner. And the necessary orders, in accordance with law, would be passed within eight (8) weeks from today.

That being so, learned counsel for the petitioner submits that let the petition be disposed of in terms of the statement made by learned Additional Standing Counsel, UT, Chandigarh.

In the wake of the position sketched out above, as also the statements of learned counsel for the parties, the petition is accordingly disposed of.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

03.10.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO