

CWP-327-2006 (O&M)

-1-

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

102

CWP-327-2006 (O&M)

Date of decision : 28.07.2025

Kuldeep Singh

... Petitioner

Versus

UT, Chandigarh and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Ms. Neha Jain, Advocate for the petitioner.

Ms. Madhu Dayal, Advocate for UT, Chandigarh.

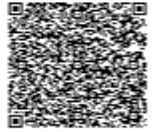
Mr. Rakesh Sobti, Advocate for respondents No.4 to 6.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 05.08.2002 (Annexure P-10) passed by respondent No.3 whereby the application of the petitioner seeking allotment of tenement has been declined.

2. Learned counsel for the petitioner submits that the petitioner had applied for allotment of a tenement in terms of the Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979 (for short, 'the Scheme, 1979'). She further submits that the application of the petitioner has been erroneously declined on the ground that his father has already been allotted tenement. She also submits that the petitioner is entitled to separate tenement in his own right as he was residing separately.

3. Heard.

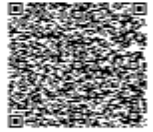
**CWP-327-2006 (O&M)****-2-**

4. The allotment of tenement in the UT Chandigarh has been provided under the Scheme, 1979 wherein it has been stipulated that only one member of the family would be allotted a tenement. The definition of family as per Clause 3(c) of the Scheme is a family consisting of a person, his spouse, children and other relative dependent upon and residing with him and it includes earning sons and daughters.

5. As per the written statement filed on behalf of respondents No.1 & 3, the father of the petitioner had applied for allotment of a tenement on 08.12.1996 and was allotted a site bearing No.5868 in Site and Services Complex, Palsora by Chandigarh Housing Board vide allotment letter No.1367 dated 22.12.2000. At that time, the petitioner was residing with his father. It has been specifically stated in the written statement that as per the voters' list as on 08.12.1996, the petitioner had been shown to be residing with his father and other family members in Jhuggi No.C-366. Respondents had also relied upon the ration card (Annexure R-3) showing the petitioner as one of the members of the family of said Shri Nand Singh(father) residing in Jhuggi No.366.

6. It is stated by the petitioner that he has a separate ration card bearing No.3978 but the same has been verified by the respondents from the Food and Supplies Department, UT, Chandigarh and they were informed that said ration card No.3978 is infact, in the name of one-Raj Kumar and not the petitioner.

7. Written statement on behalf of respondents No.1 and 3 was filed on 05.12.2013 while the averments therein have not been controverted nor replication has been filed as on date.

**CWP-327-2006 (O&M)****-3-**

8. At this stage, learned counsel for the petitioner submits that although the allotment has been made to the father of the petitioner but the possession of the tenement has not been handed over to him.

9. In the event of the possession of the tenement not been handed over to his father, it was open to his father to approach the authorities. The allotment of the tenement is stated to have been made in the year 2000 and if the father of the petitioner was aggrieved, he ought to have taken remedial measures and raise his grievance before the authorities.

10. The rationale behind limiting the allotment to a single member of a family is to ensure equitable distribution of the tenements. It is manifest that there is a shortage of housing in urban areas including the city of Chandigarh. The policy of the allotment of housing to only one family member appears to be based on sound rationale and does not suffer from the vice of arbitrariness or discrimination.

11. Consequently, the petition being devoid of any merit stands dismissed. Pending application, if any, shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

July 28, 2025
sonia gugnani

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