

2025:PHHC:051648-DB



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

CWP-11000-2025 (O&M)

Date of decision: 22.04.2025

BARMESWAR SINGH & ORS.

.....Petitioners

Versus

U.T., CHANDIGARH & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Sanjiv Kumar Yadav, Advocate and
Mr. Arunim Kathuria, Advocate, for the petitioners.

SUDHIR SINGH, J.

The petitioners have sought issuance of a writ in the nature of Certiorari quashing the impugned notice (Annexure P-9) issued by respondent No.2, whereby the inhabitants of the Sanjay Colony, Industrial Area, Phase-1, U.T., Chandigarh, including the petitioners, have been called upon to vacate jhuggis/huts with immediate effect.

2. Learned counsel for the petitioners has argued that the petitioners have been residing in the Sanjay Colony, Industrial Area, Phase-1, U.T., Chandigarh, for the last 30 years and the impugned

action on the part of the respondent-authorities is totally illegal as it deprives the petitioners of their right to shelter. It is further argued that the U.T. Administration has allotted dwelling units to the similarly placed inhabitants of various colonies, but no such benefit has been extended to the petitioners. It is also argued that as per the Affordable Rent Housing Complex Scheme (ARHC), the petitioners are entitled to be rehabilitated before being dispossessed from the tenements/Jhuggis under their occupation. It is lastly argued that the Chandigarh Administration is all set to dispossess the petitioners from the Jhuggis/tenements under their occupation by tomorrow morning and if they are not restrained from doing so, the petitioners will suffer irreparable loss.

3. Served with the advance copy of the writ petition, Mr. Amit Jhanji, Sr. Standing Counsel, U.T., Chandigarh along with Mr. Sumeet Jain, Standing Counsel, U.T., Chandigarh, accepts notice on behalf of respondents No.1 and 2.

4. While countering the submissions made by the learned counsel for the petitioners, Mr. Amit Jhanji, Sr. Standing Counsel submits that the petitioners have not attached any document with the writ petition to substantiate their claim of being the inhabitants of the Sanjay Colony for the last more than 30 years. It is also argued that as many as three surveys had been conducted by the U.T., Administration in respect of the rehabilitation of the Jhuggi dwellers in Union Territory, Chandigarh and neither the names of the

petitioners had figured in the said surveys nor at any later stage they had submitted their claim(s) for being considered under the Schemes framed by the Government from time to time. Still further, it is argued that pursuant to the decision rendered by the Co-ordinate Bench of this Court in CWP-1313-2018, the respondent-authorities have passed a speaking order and before doing so, due opportunities were given to all the affected persons. It is further argued that the petitioners did not come forward in respect of their claim or grievances raised in the present writ petition and, therefore, the very writ petition is not maintainable and is liable to be dismissed by this Court.

5. We have heard the learned counsel for the parties.

6. Learned counsel for the petitioners could not dispute the aforesaid submissions made by Mr. Amit Jhanji, Sr. Standing Counsel, except the fact that he emphasized that the U.T. Administration is bound to rehabilitate the petitioners before dispossessing them from the Jhuggis/huts under their occupation. From a perusal of the writ petition and the documents annexed therewith, we find that the petitioners have not attached any document with the writ petition substantiating the claim that they had been residing in the Sanjay Colony for the last 30 years. He could also not dispute that the names of the petitioners did not figure in any of the surveys conducted by the respondents pursuant to various Schemes launched by Government from time to time for rehabilitation of the Jhuggi-dwellers.

7. In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.
8. Pending application(s), if any, shall stand disposed of.

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

22.04.2025
himanshu

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