

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

**CM-10815-CWP-2025 in/and
CWP-15250-2022 (O&M)
Date of Decision : 05-08-2025**

.....Petitioner

VERSUS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shivam Grover, Advocate
for the petitioner.

Mr. Rohit Kaushik, Advocate
for the respondent Nos.1 to 6-U.T., Chandigarh.

Mr. Ajaivir Singh, Advocate with
Ms. Shazia K. Singh, Advocate
For respondent No.7.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-10815-CWP-2025

Present application has been filed for pre-poning the date of hearing of the main petition i.e. CWP No.15250 of 2022, which stands pending consideration for 15.09.2025.

Notice of the application to the counsel opposite.

Mr. Rohit Kaushik, Advocate accepts notice on behalf of respondent Nos.1 to 6-U.T., Chandigarh and Mr. Ajaivir Singh, Advocate with Ms. Shazia K. Singh, Advocate accepts notice on behalf of respondent No.7 and they raise no objection for the grant of prayer as raised in the present application.

On the joint request of the parties, the main petition i.e. CWP No.15250 of 2022 is preponed from 15.09.2025 to today.

CWP-15250-2022 (O&M)

1. In the present petition, the prayer of the petitioner is that he was allotted House No.2256, Ground Floor, Sector-24, Chandigarh, Type 13(Old) but the same cannot be occupied as, the same is in a dilapidated condition and is beyond repairs hence, he should be provided an alternative accommodation.
2. Notice of motion was issued on 18th July,2022 and the respondents have filed their reply.
3. Keeping in view the order passed by the Co-ordinate Bench of this Court during the pendency of the writ petition proves that direction was given to the respondent-State to visit the premises in question and find out that whether, the same is fit for human habitation or not.
4. Learned counsel for the respondents submits that though, the house in question was not found to be fit for human habitation at that stage, and though certain repairs have already been got done but still, repairs of the said house are still to be done so as to make it habitable.
5. I have heard the learned counsel for the parties and have gone through the records of the present case with their able assistance.
6. It should be noted that an accommodation is allotted to an employee so that he/she can live peacefully in such an accommodation and discharge his/her duties rather than waiting for the house to be fit enough for human habitation.
7. The house in question was allotted to the petitioner by the House Allotment Committee in 2021 vide allotment order dated 17.03.2021 (Annexure P-1) and four years have passed since then and the same has not

been in a position to be occupied since the inception . The photographs which have been attached along with the writ petition shows the condition of the house in question wherein, even the walls are in such a deteriorated conditions that even the bricks are visible.

8. Learned counsel for the petitioner has brought to the notice of this Court that the pillars that structurally support the roof are in such a condition that they can fall at any point, which can endanger the life of the occupant.

9. Learned counsel for the respondents submits that the said issues are being rectified.

10. Keeping in view the fact that the petitioner is awaiting the occupation of a house despite allotment for the last four years and it is a conceded position that even as of today, the betterment of the condition of the house before the same is occupied, has not been done. In such a scenario, the petitioner cannot be made to wait for years to get the Occupation Certificate.

11. Keeping in view the totality of the circumstances, the respondent-House Allotment Committee is directed to allot another Type 13 House available for occupation so that the petitioner can occupy the same.

12. It is made clear that the present house, should be inspected by the competent Officer and the required rectifications and betterments be done so that the same could be made fit for human habitation, be carried out and thereafter, the same should be allotted to any other allottee.

13. Let, an alternative accommodation of Type-13 be allotted to the petitioner within a period of **two weeks** from the receipt of copy of this order

so that the petitioner who is awaiting accommodation of a residence for the last four years, is able to reside in such a Government accommodation.

14. The present petition is disposed of.

15. At this stage, learned counsel for the petitioner submits that even though the house allotted to the petitioner was not fit for human habitation, still House Rent Allowance has been deducted for the last four years despite the accommodation not being occupied by the petitioner, which fact has gone unrebutted.

16. Keeping in view the fact that the petitioner has not been able to occupy the house in question for living and as per the respondents themselves, the rectifications in the said house are under way and yet to be completed for occupation of the said house, the House Rent Allowance deposited by the petitioner be adjusted in the future after allotment of any alternative house to the petitioner. Till the allotment of the fresh house to the petitioner and House Rent Allowance already paid is adjusted, no House Rent Allowance will be deducted.

17. Pending application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

05-08-2025
Sapna Goyal

NOTE: Whether speaking: YES
Whether reportable: NO