

2025:PHHC:086012-DB



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

CWP-14639-2025 (O&M)

Date of decision: 14.07.2025

ACHHE LAL & ORS.

...Petitioners

Versus

UNION TERRITORY, CHANDIGARH & ORS.

.....Respondents

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

Present:- Mr. Ajaivir Singh, Advocate for the petitioners.

Mr. Satya Pal Jain, Addl. Solicitor General alongwith
Mr. Saigeeta Srivastava, Advocate for respondent No.3.

SUDHIR SINGH, J.

The petitioners have sought issuance of a writ in the nature of Certiorari quashing the order dated 04.03.2025 (Annexure P-4) passed by respondent No.1 and the order dated 28.02.2025 (Annexure P-5) passed by respondent No.2, whereby their claim for rehabilitation/alternate accommodation has been rejected.

2. Learned counsel appearing for the petitioners has vehemently argued that the petitioners have been residing at Janta Colony, Sector 25-D, Chandigarh for the last 15/25 years. It is further argued that in the earlier round of litigation the petitioners had filed CWP-11120-2022 which was disposed of by a Co-ordinate Bench of this Court on 28.11.2024, in view of the statements of the counsel for the parties and till the final decision to be taken by the respondent-

authorities, the interim order dated 13.05.2022 was ordered to continue. It is further argued that pursuant to the aforesaid decision, the petitioners had filed representation dated 01.01.2025 for their rehabilitation or providing them alternate accommodation under various schemes i.e., Chandigarh Small Flat Scheme 2006; Pradhan Mantri Awas Yojna Scheme; Affordable Rent Housing Complex Scheme or any other such scheme floated or introduced for the rehabilitation of the jhuggi dwellers. It is further argued that without considering the factual position narrated in the aforesaid representation, the respondent-authorities have rejected the claim of the petitioners terming them to be ineligible for alternate accommodation/rehabilitation. 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 further argued that the names of the petitioners found mention in the voter list for the years 2010 to 2022 and exclusion of their names from the voter's list for the year 2007 is no ground to deny them the benefit of rehabilitation/alternate accommodation.

3. We have heard learned counsel for the appellant and have also gone through the paper book, including the impugned orders.

4. The only question that requires for consideration by this Court is whether any indulgence is required to be granted to the

petitioners against the impugned orders passed by the respondent-authorities.

5. A perusal of the impugned orders would show that the petitioners were given due opportunity of personal hearing and to submit documentary evidence in support of their claim, but they failed to submit the requisite documents i.e., Prescribed Form-A, Biometric Survey and requisite votes (2004 or 2005; 2007-2008 and 2009) to the year in which their colony was demolished. Thus, the petitioners were found ineligible for the allotment of small flats under the provisions of the Chandigarh Small Flats Scheme.

6. Learned counsel appearing for the petitioners could not counter the finding recorded in the impugned order as regards non-submission of the requisite documents by the petitioners as indicated above. The only contention of the learned counsel for the petitioners is that their names appear in the voter list from the year 2010 to 2020 and the non inclusion of their names in the voter list for a single year would not be fatal to their claim. We find that once the petitioners had been granted due opportunity of hearing and produce requisite documents as indicated above i.e., Prescribed Form-A, Biometric Survey and requisite votes (2004 or 2005; 2007-2008 and 2009) to the year in which the said colony is demolished and once they had failed to produce the said documents, they cannot be allowed to plead that they are eligible for allotment of an alternate accommodation or their rehabilitation. It is not disputed by the learned counsel for the petitioners that the Chandigarh Administration had conducted various surveys before demolishing the colonies so as to rehabilitate the

Jhuggi dwellers. Onus was upon the petitioners to produce relevant record in support of their claim for allotment of alternative accommodation. As noticed above, we also find that this court has got no power to change the eligibility criteria, which has been followed by the respondent-authorities for all the persons claiming rehabilitation. The petitioners are not having requisite documents so as to make them eligible for allotment of an alternate accommodation or rehabilitation. That being the situation, we find that the petitioners are not entitled to grant of any indulgence by this Court.

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 also stand disposed of.

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

14.07.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No