



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CWP-35094-2025 (O&M).
Date of Decision: 01.12.2025.**

Mool Chand and another

....Petitioners.

VERSUS

State of U.T., Chandigarh and another

....Respondents.

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

Present: Mr. Dinesh Nagar, Advocate for the petitioners.

Mr. Rakesh Sobti, Additional Standing Counsel and
Ms. Ekakshra Mahajan Mandhar, Junior Panel Counsel
for respondent No.1.

Mr. Ashish Kumar, Advocate for
Mr. Gagandeep Singh Wasu, Senior Standing Counsel
for respondent No.2.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioners have challenged the order dated 27.01.2023 (Annexure P-3), whereby the allotment of the small flat to the petitioners has been cancelled.

2. Learned counsel for the petitioners submits that the petitioners had been allotted a small flat in the year 2013 on license basis for a period of 20 years and had been residing in that flat along with their family members. The petitioners and their family members had gone to their native village and the nephew of petitioner No.1 was temporarily residing in the premises when the survey was conducted which cannot be the basis of cancelling the allotment.

3. Learned counsel for the respondents, however, submit that in the survey conducted, one Sunil Kumar was found to be in occupation of the flat and said Sunil Kumar had also submitted an application to respondent No.2 wherein he had stated that the flat had been purchased by one Manoj Kumar, who had inducted him as a tenant.

4. Heard.

5. It is manifest that although the flat was allotted to the petitioners in the year 2013 but in the survey conducted by the respondents to verify whether the allottees are in occupation, it was found that one Sunil Kumar was residing there instead of the petitioners and their family members. Sunil Kumar had also sent a communication dated 04.08.2022 to the respondents wherein he has stated that he had been inducted as a tenant by one Manoj Kumar, who has purchased the flat. It is, thus, manifest that although the flat was allotted to the petitioners, but the petitioners and their family members were not residing there. We, therefore, do not find any illegality in the impugned order cancelling the allotment of the flat issued in favour of the petitioners.

6. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

01.12.2025

jitender

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No