



CWP-18736-2026

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

(107)

CWP-18736-2026

Date of Decision: - 01.07.2026

Babli

....Petitioner

Versus**State of Haryana and others**

.....Respondents

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present:- Mr. Vikram Pundir, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, Addl. A.G., Haryana.

VIKAS BAHL, J. (ORAL)

1. Present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the impugned eviction order dated 09.04.2026 (Annexure P-4) issued by respondent No.3, with respect to Flat No.92-FF, Uppal Housing Sector 48-49, Gurugram.

2. Learned counsel for the petitioner has submitted that the petitioner is a bona fide allottee under the scheme launched by the Housing Board Haryana for allotment of flats to Below Poverty Line (BPL) and Economically Weaker Sections (EWS) families. It is further submitted that the petitioner being eligible under the said category, applied for allotment and was declared successful in the draw held on



09.02.2021, bearing Final Registration No.1536 and accordingly provisional allotment letter (Annexure P-1) was issued. It is further submitted that subsequently the allotment letter was also issued on 13.05.2021 and the petitioner had duly deposited the requisite amount as per the terms of the allotment. It is stated that even a final possession certificate was issued to the petitioner on 28.12.2021 and the petitioner and his family members are residing in the said flat since then. It is further stated that vide order dated 09.04.2026, respondent No.3 arbitrarily passed the eviction order without issuing any show cause notice and without affording an opportunity of hearing to the petitioner.

3. It is submitted that it is a matter of settled law that no order entailing civil consequences should be passed without hearing the person concerned. It is further submitted that in a similar matter i.e. CWP-27442 of 2025 titled as 'Sandeep Vs. State of Haryana and others', the Co-ordinate Division Bench of this Court was pleased to issue notice of motion and also granted interim protection of status quo. It is further submitted that in pursuance of the order dated 09.04.2026 the premises of the petitioner has been sealed and the poor petitioner and his family members do not have any premises to live.

3. Learned Additional Advocate General, Haryana appearing for the respondents, on advance notice given, has submitted that the eviction order has been done in pursuance of an inquiry. On a pointed query raised by this Court, it has been fairly submitted that however prior to the passing of the impugned order dated 09.04.2026, neither any



individual show cause notice was issued to the petitioner nor opportunity of hearing was given to the petitioner. It has been fairly submitted that other similar persons have also filed writ petitions on the plea of there being no opportunity of hearing been granted to them prior to the passing of the eviction order. It is submitted that in case the impugned order is to be set aside on the said point, the same should not be considered as an estoppel against the respondents from issuing a show cause notice and passing an appropriate order after hearing the petitioner.

4. A perusal of the paper-book as well as the documents annexed along with the same, more so, Annexures P-1 and P-2 would show that the petitioner was allotted a flat No.92/FF, Uppal Housing Sector 48-49, Gurugram under a scheme launched by the Housing Board Haryana for allotment of flats to Below Poverty Line (BPL) and Economically Weaker Sections (EWS) families. The petitioner and his family were residing in the said flat since the date of the issuance of the possession certificate dated 28.12.2021. It could not be disputed that no individual show cause notice, much less an opportunity of hearing, was given to the petitioner prior to the passing of the order dated 09.04.2026 vide which the petitioner had been ordered to vacate the flat and to hand over the physical possession of the same within a period of 30 days from the date of issuance of the same and further it had been stated that in case the petitioner does not do the same, then, the office would proceed to initiate forceful eviction proceedings to recover possession of the premises with the assistance of the police. It is a matter of settled law that

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any order entailing civil consequences should be passed after the issuance of show cause notice and grant of opportunity of hearing, which have not been done in the present case.

5. Keeping in view the above-said facts and circumstances, the present writ petition is partly allowed and the impugned order dated 09.04.2026 is set aside. The respondents are directed to de-seal the premises and restore the possession of the petitioner within a period of one week from today. It would however be open to the respondents to institute fresh proceedings in accordance with law and to pass appropriate orders after issuance of show cause notice and granting an opportunity of hearing to the petitioner. The present order would not be construed as an expression on the merits of the case as the impugned order has been set aside solely on the ground of violation of the principles of natural justice.

(VIKAS BAHL)
JUDGE

(SUBHAS MEHLA)
JUDGE

July 01, 2026
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Whether reasoned/speaking?	Yes
Whether reportable?	No