

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

*Civil Writ Petition No.11243 of 2010*

*Date of Decision : June 30, 2010.*

Chandigarh Housing Board

.....*Petitioner*

versus

Puran Chand and others

.....*Respondents*

CORAM : HON'BLE MR.JUSTICE SURYA KANT.

Present : Mr.Jagdish Marwaha, Advocate, for the petitioner.

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- 1. Whether Reporters of Local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

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*Surya Kant, J.* (Oral)

This civil writ petition is directed by the Chandigarh Housing Board against the order dated 25.9.2009 (Annexure P-1) passed by the Permanent Lok Adalat (Public Utility Services), Union Territory, Chandigarh whereby an application moved by the first respondent for settlement of dispute with regard to allotment of one room flat under “The Chandigarh Small Flat Scheme, 2006” (for short the ‘2006 Scheme’) has been allowed.

The facts, as discernible from the impugned order, are that respondent No.1 has been residing in *Jhuggi No.1657/1* Bural Labour Colony No.5, U.T. Chandigarh in 'K' Block for the last more than 15 years and a Voter Card is also issued to him by the Election Commission of

India besides his name figuring in the voter list of the Electoral Registration Office of the Union Territory, Chandigarh and in the Bio-metric survey of the colony undertaken by the Estate Office, U.T. Chandigarh also, he was found residing in the said *Jhuggi*. After verification of these facts which made him fully eligible under the “2006 Scheme” for allotment of an alternative site of one room flat, the first respondent was issued Form No.15798 which he duly deposited after its completion. However, respondent No.1 having not been allotted the flat, he approach the Permanent Lok Adalat. Pertinently, the Estate Officer, U.T. Chandigarh, in his reply supported the claim of respondent No.1. The petitioner-Chandigarh Housing Board in its reply took two preliminary objections. Firstly, it has urged that another person, namely, Manohar Ali had also applied for the allotment claiming to be residing in the same Jhuggi No.K-1657 and that Form No.15795 had been issued to said Manohar Ali also.

The Permanent Lok Adalat vide the impugned order dated 25.9.2009 (Annexure P-1) turned down both the objections of the petitioner after holding and rightly so that respondent No.1 fulfills all the eligibility conditions laid down under the '2006 Scheme' and the bonafide of his residing in the said Jhuggi never doubted by the Chandigarh Housing Board or any other Authority of the U.T. Administration. Since respondent No.1 fulfilled the eligibility conditions laid down in the '2006 Scheme', the allotment of flat to him could not have been with-held merely because some other claimant, Manohar Ali had also come forward alleging

to be residing in the same Jhuggi. Suffice it to observe that it is for the Estate Officer, U.T. Chandigarh or the Chandigarh Housing Board to look into the genuineness of the claim put forth by Manohar Ali to find out as to who has been residing in the said Jhuggi from the very inception. Since the finding of fact is in favour of respondent No.1, no fault can be found with the impugned order.

Dismissed.

*June 30, 2010*

*Mohinder*

(SURYA KANT)  
JUDGE