
(2001) 05 P&H CK 0115
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 310 of 2001

Ram Bhaj Khatak

APPELLANT

Vs

State of U.T., Chandigarh and Others

RESPONDENT

Date of Decision : 18-05-2001

Acts Referred:

Constitution of India, 1950 — Article 226
Government Residences (Chandigarh Administration General Pool) Allotment Rules,
1996 — Rule 12, 20

Citation : (2002) 3 RCR(Civil) 431

Hon'ble Judges : N.K. Sud, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : Rajesh Gupta, for the Appellant; Govind Goel, for the Respondent

Final Decision : Allowed

Judgement

Jawahar Lal Gupta, J.—The petitioner is aggrieved by the order dated 5.12.2000 by which the allotment of House No. 428/B, Sector 33, Chandigarh, has been cancelled. A copy of this order has been produced as Annexure P6 with the writ petition. It has been found that the house was not occupied for a period of more than 2 months.

2. The petitioner alleges that he has been in occupation of the house since 6.1.2000 when it was allotted to him. On 18.10.2000, a show cause notice was served upon him at the house. He had filed a reply. Vide letter dated 21.11.2000, the petitioner was called upon to give documentary proof to show that he had not sub-let the house to any unauthorised person. In pursuance to the notice, he had appeared on 5.12.2000. He had produced the relevant documents like the electricity and water supply bills, letters and identity card, etc. Despite the documentary evidence, the order for cancellation of allotment was passed on the ground that the house had been kept locked/unoccupied for a period of 2 months.

3. Learned counsel for the parties have been heard.

4. In response to the show cause notice, the petitioner had filed a reply. A copy of this reply has been produced as Annexure P4 with the writ petition. He had pointed out that his children are studying in the village. He lives alone in the house. He used to go out to take meals. He usually reached the house between 9.30 to 10.00 p.m. The explanation given by the petitioner has not been considered by the authority. Thereafter, the petitioner was called upon to give documentary proof regarding his residence. He claims to have produced the electricity and water bills etc. These have not been considered at all. In this situation, we find that the impugned order is wholly cryptic. No reasons for rejecting the petitioner's explanation has been given. It cannot be sustained.

5. Resultantly, the writ petition is allowed. The impugned order is set aside. The petitioner shall be entitled to his costs which are assessed at Rs. 2,000/-.

Sd/- N.K. Sud, J.