
(2016) 01 P&H CK 0477

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 13210 of 2015 (O&M)

Shyam Rani

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 07-01-2016

Acts Referred:

Citation : (2016) 1 PLR 740

Hon'ble Judges : Surya Kant and P.B. Bajanthri, JJ.

Bench : Division Bench

Advocate : Mansur Ali, for the Appellant; K.K. Gupta, Addl. A.G., for the Respondent

Final Decision : Dismissed

Judgement

Surya Kant, J.—1. The petitioner claiming herself to be a "riot-affected person" got allotted residential house No. 1430/8, Phase-XI (Sector 65), SAS Nagar Mohali at a concessional rate in terms of Government policy meant to rehabilitate the riot victims. The allotment was made on 09.10.1991.

2. How the welfare policies of State or Central Governments are being misused by the "riot victims" can be gauged from the facts of the instant case. Not even a year had passed after the concessional allotment that the petitioner sold the flat by way of General Power of Attorney to one Manmohan Singh s/o. Tirath Singh. The factum of sale of the flat is duly admitted by petitioner in para 2 of the petition which reads as follows:-

"That one flat L.I.G. 1430/8, Phase XI, S.A.S. Nagar Mohali was allotted by the then Punjab Housing Development Board (presently Greater Mohali Area Development Authority) to the petitioner and the petitioner had sold the said house to Manmohan Singh in the year 1992 by way of General Power of Attorney..."

3. The "vendee" did not deposit the due installments as a result of which the allotment was cancelled. The appeal and revision petition preferred by the

"vendee", namely the petitioner through her GPA have been turned down.

4. The "vendee" himself approached this Court and a Coordinate Bench dismissed his writ petition as withdrawn on 27.05.2015 leaving it "open to the petitioner to take recourse to the remedies as may be available to him, in accordance with law".

5. Now the petitioner has filed the instant writ petition challenging the same set of orders.

6. In our considered view, the writ petition deserves to be dismissed outrightly for the reasons that firstly the petitioner has undisputably sold the flat and thus has no locus standi to question its resumption for non-payment of the balance allotment price. Secondly, the petitioner deserves no sympathy in equity as she is guilty of misusing the concession of Government policy meant to help out the victims in dire need; made profit out of it and now she is again masquerading as a riot victim. This is high time that the State Government must probe the misuse of its welfare policies for 1984 riot-victims as several cases are coming to Court everyday complaining grabbing of Government properties by influential persons/ real estate dealers/property agents who are masquerading as "riot victims" and have got multiple properties through unholy nexus. The real victims might still be silting in the last of an unending queue. We direct the State Government to do the needful in this regard and submit a compliance report to the Registrar General within six months.

7. It is made clear that wherever a "riot victim" is found to have sold the flat or commercial property allotted at the concessional rate under the welfare schemes, such "victim" shall be debarred from claiming any other benefit, directly or indirectly, under any other Government policy. With the above observations and directions, the writ petition stands dismissed.