



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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COCP-1531-2025

Date of Decision: 27.03.2025

Anguri (deceased) through LR

.... Petitioner

Versus

J. Ganesan, IAS

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. CR Narwal, Advocate for the petitioner.

Mr. Deepak Sabherwal, Advocate for the respondent.

NIDHI GUPTA, J. (ORAL)

The present Contempt Petition has been filed under Section 12 of the Contempt of Courts Act, 1971, for initiation of contempt proceedings against the respondent for willfully and knowingly disobeying and violating the order dated 25.03.2022 (Annexure P-1) passed by this Court in CWP-7158-2020.

Vide order dated 25.03.2022 (Annexure P-1) while allowing the writ petition bearing in CWP-7158-2020 filed by the petitioner, following direction was issued by this Court:-

“xxx xxx xxx xxx

Consequently, this petition is allowed to the extent that the order dated 03.05.2018 passed by the appellate authority is set aside with a direction to the Appellate Authority to consider the petitioner's claim accordingly by passing a detailed speaking order. It is made clear that as to whether the petitioner's case would be covered by the ratio of Sarbati Devi's case (supra) or not, is not being commented upon by



this court, which is something that the appellate authority would be required to go into.”

It is the contention of learned counsel for the petitioner that the order dated 25.03.2022 (Annexure P-1) passed by this Court has not been complied with till date. It is submitted that it was incumbent upon the respondent-Authority to consider the case of the petitioner and allot the flat to the petitioner under the EWS Scheme.

Learned counsel for the respondent submits that no contempt is made out against the respondent-Authority as the aforesaid order (Annexure P-1) stands duly complied with. It is submitted that the case of the petitioner has been considered and was rejected by the respondent-Authority vide speaking order dated 05.02.2025 (Annexure P-4). Learned counsel for the respondent has drawn attention of this Court to the aforesaid order (Annexure P-4) and in the last paragraph thereof, it is noted as follows:-

“Further in the writ petition, the petitioner has submitted that his case is covered by the ratio of Smt. Sarbati Devi’s case. It comes out that in Smt. Sarbati Devi’s case allotment letter was issued to her and physical possession was given to her in the year 2011 and she was residing in that house and accordingly Hon’ble court has allowed the writ petition in Smt. Sarbati Devi’s case due to the fact mentioned above, whereas in this case no such allotment letter and physical possession was given by the Housing Board Haryana to Smt. Anguri at any point time. The fact of Smt. Sarbati Devi’s and Smt. Anguri is totally different. Moreover as per record, the flat No. 331 FF+SF Sector-42 Gurugram has already allotted to Sh. Balwan Singh vide allotment letter no. 219 dated 03.01.2019 and Conveyance



Deed has also been executed on 03.07.2019. It shows that the third party right has already been established on the flat against which the petitioner is agitating her claim. She is not eligible for an allotment of flat no. 331 FF+SF, Sector-42 Gurugram as she has applied to SMP category in which she does not belong. Accordingly, her claim through her legal heir is hereby rejected being devoid of merit.”

In view of the above, nothing survives in the present petition and the same stands **disposed of**, accordingly.

The petitioner would be at liberty to challenge the aforesaid speaking order dated 05.02.2025 (Annexure P-4), in accordance with law.

Rule stands discharged.

Pending application(s), if any, shall also stand disposed of.

27.03.2025

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No