

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 1191 of 2018

Date of Decision: 24.10.2019

Vikram Singh Brar

.....Petitioner

Versus

Shri Ravi Bhagat

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Rupinder Khosla, Sr. Advocate with
Mr. Sarvesh Malik, Advocate
for the respondent.

AVNEESH JHINGAN, J.(oral)

The writ petition was filed by the petitioner raising an issue whether she falls in the category of "oustees" within the policy dated 25.5.2011 notified by the Punjab Government, Department of Housing Development and Urban Development. The writ petition was allowed on 22.4.2014.

The relevant portion of the order is reproduced below:

"For the reasons afore-stated, we allow this writ petition qua the petitioner and hold her entitled to the benefits under the policy dated 25.05.2011. The respondents are directed to grant some reasonable time to the petitioner to apply and thereafter consider her claim in the light of the above-stated policy dated 25.05.2011. This order, however, shall not be construed as an expression on the eligibility of the petitioner within the framework of the policy which shall be independently determined by the authorities."

Respondents were directed to grant reasonable time to the petitioner to apply and thereafter consider her case in the light of the policy dated 25.5.2011. It was clarified that the Court is not expressing any opinion with regard to eligibility of the petitioner.

The present contempt petition is filed pleading that the needful has not been done by the respondents.

Pursuant to notice of motion short reply by way of affidavit of Ms. Gurneet Tej, Chief Administrator, Greater Mohali Area Development Authority (GMADA) dated 6.3.2019 was filed annexing order dated 24.1.2019.

Learned counsel for the respondent submits that the legal heirs of Surjit Kaur w/o of Avtar Singh have been held entitled to allotment of plot under the oustee quota. He submits that petitioner has been held legal heir on the basis of Will, albeit the genuineness of the Will would have to be established by her before the Estate Officer at the time of allotment. He submits that after passing the order, the direction of this Court has been complied with and the petitioner would be entitled to apply in the draw of lots to be held.

Learned counsel for the petitioner submits that there is no time limit fixed for allotment of the plots.

Learned counsel for the respondents places reliance upon the decision of this Court in LPA No. 2096 of 2011 titled as Haryana Urban Development Authority and others Vesus Sandeep and others, decided on 25.4.2012 and submitted that needful shall be done as per decision.

In view of above, the direction of this Court has been complied with though there is delay in doing so, no further interference is called for in the contempt proceedings.

The petition is disposed of.

However, it is made clear that in case there is any grievance surviving the petitioner would be at liberty to avail remedy in accordance with law.

24.10.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No