



CWP-36444-2025

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

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CWP-36444-2025

Date of decision : 08.12.2025

Rajesh Kumar Giri and others

... Petitioners

Versus

Union of India and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Amit Jaiswal, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

1. Learned counsel for the petitioners, *inter alia*, submits that the petitioners are *jhuggi dwellers* and their case for allotment of flats under the Chandigarh Small Flats Scheme, 2006 (hereinafter referred as '2006 Scheme') had been recommended by the Estate Officer and Chandigarh Housing Board vide communications (Annexures P-4 to P-6). However, the Chandigarh Housing Board without issuance of any notice or granting an opportunity of hearing to the petitioners, has rejected their claim for allotment of flat under the 2006 Scheme.

2. Issue notice to the respondents.

3. Mr. Satyapal Jain, Additional Solicitor General of India with Ms.Neha Sharma, Panel Counsel have put in appearance on behalf of respondent No.1/UOI.

4. Mr. Sanjeev Ghai, Additional Standing Counsel with Ms. Arushi Dubey, Junior Panel Counsel have put in appearance on behalf of respondents No.2, 3 & 5.



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5. Mr. Pranav Chamoli, Advocate has filed 'Memorandum of appearance' on behalf of respondent No.4-Chandigarh Housing Board, which is taken on record.

6. Heard.

7. It is manifest that the claim of the petitioners, who are *jhuggi dwellers*, was under consideration for allotment of flat under the 2006 Scheme but the same has been rejected without issuance of any notice or granting an opportunity of hearing to them. It is trite that the right to housing is a fundamental right under Article 21 of the Constitution of India and the petitioners being *jhuggi dwellers* have every right to be considered for allotment of a flat under the 2006 Scheme. The impugned order, which has been passed without affording an opportunity of hearing or issuance of notice to the petitioners is unsustainable and liable to be set aside.

8. Consequently, the petition is allowed and the impugned order dated 18.09.2025 (Annexure P-8) is set aside. Respondents No.3 & 4 are directed to consider the claim of the petitioners for allotment of flat(s) under the 2006 Scheme or any other appropriate Scheme for their rehabilitation. They shall pass an order in accordance with law, within a period of 02 months from the date of receipt of certified copy of this order. The parties shall maintain status quo till the order is passed by the competent authority.

(ANUPINDER SINGH GREWAL)
JUDGE

(MANDEEP PANNU)
JUDGE

December 08, 2025
sonia gugnani

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No