

¹Chandigarh Allotment of Dwelling Units to the Oustees of Chandigarh, Scheme 1996

This Scheme have been repealed vide Notification No. 45/5/4-UTFI(5)-2008/39 published in Chandigarh Administration Gaz. (Extra) dated 2-1-2009

No. 2709-UTFI (5)-96/549. - The Administrator, Union Territory of Chandigarh, is pleased to make the following scheme for the allotment of dwelling units in Chandigarh to the Oustees of Chandigarh, namely:-

1. This Scheme may be called "the Chandigarh Allotment of Dwelling Units to the Oustees of Chandigarh, Scheme 1996."

2. (i) In this Scheme, unless the context otherwise requires :

"Oustee" means a person whose land has been acquired for development of Union Territory, Chandigarh and includes his legal heirs.

(ii) Words and expressions used but not defined in this Scheme and defined in the Haryana Housing Board Act, 1971, as extended to Union Territory of Chandigarh and Chandigarh Housing Board (Allotment, Management and Sale of Tenements) Regulations, 1979, shall have the meanings respectively assigned to them by that Act.

3. The allotment shall be made by the Chandigarh Housing Board and the same shall be subject to the provisions of the Haryana Housing Board Act, 1971, as extended to Union Territory of Chandigarh, and Chandigarh Housing Board (Allotment, Management and Sale of Tenements) Regulations, 1979, as amended from time to time.

4. Eligibility :

An oustee whose land has been acquired for the development of Chandigarh and the Award of compensation under the relevant provisions of the Land Acquisition Act has been made on or after 1st November, 1966, shall be eligible for allotment under the Scheme provided that :

(i) An Oustee shall be entitled to the allotment of an L.I.G. dwelling if the land acquired measures between the $\frac{1}{4}$ th acre and one acre.

(ii) An Oustee shall be entitled to the allotment of an M.I.G. Dwelling unit with the option for the lower category if the land acquired measures more than 1 acre but up to 3 acre.

(iii) An Oustee shall be entitled to the allotment of an H.I.G. dwelling unit with the option for the lower category if the land acquired measures more than 3 acres.

²[(iv) Notwithstanding anything contained in this scheme, no oustee shall be eligible for allotment of a dwelling unit under this scheme, if he or his spouse or any of the dependent members of his family owns a residential site/dwelling unit in Chandigarh, Mohali and Panchkula subdivisions, in Punjab and Haryana respectively on lease hold basis or on free hold basis.]

1. Published in Chd. Administration Gaz. (Extra) dated 12-1-1996 at page 25

2. Substituted by Chandigarh Administration Gaz. (Extra) dated 20-11-2001 at page 2058

- (v) No oustee shall be eligible in case he has acquired a house/residential site anywhere in India through Government/Semi Government/Municipal Committee/Corporation/Improvement Trust at concessional rates i.e. at reserved/fixed price in his name or in the names of dependent members of his family.
- (vi) No Oustee shall be eligible in case he or his spouse or any dependent member of his family has been allotted a residential site/dwelling unit under any Scheme of the Chandigarh Administration.
- (vii) In case of a joint Khata, the entitlement shall be on basis of the holding under the joint Khata and co-sharers within the Khata would not be taken into reckoning for the purpose of allotment of dwelling units.

COMMENTS

Allotment – Lands of petitioner numbering 47 was acquired in the year 1964, 1971, 1974 and 1977 – A scheme of allotment to oustees was framed in 1972 according to which petitioner was entitled to allotment as oustees – But the scheme was replaced by the Allotment Scheme 1996 – Allotment was denied under new scheme though they already applied for allotment – Hence this revision – From perusal of provisions of both the schemes, it is clear that petitioners cannot be denied the allotment as their cases are governed by provisions of Scheme, 1972 – Chandigarh Administration is directed to decide their cases as per eligibility on the “No Profit No Loss” basis – Petition allowed - *Mohan Singh v. U.T. of Chandigarh*, 2014(1) Haryana Law Reporter 88 D.B.

¹[4(A) An oustee, whose house has been acquired before or on or after 1st November, 1966, for the purpose of the development of Capital of Punjab Project (Chandigarh), shall be entitled to a residential flat to be allotted by the Chandigarh Housing Board in its forthcoming Schemes. The oustees will have the choice of a category of flat as between EWS, LIG, MIG or HIG. The oustees having small houses built on a plot area less than 200 square yards (08 marlas), choice will be restricted to EWS/LIG flats. The oustee shall have to pay the price of the dwelling unit as determined and in accordance with the terms and conditions laid down, by the Chandigarh Housing Board, from time to time.]

5. Procedure for Allotment :

- (i) The allotment shall be made in the manner prescribed under the Chandigarh Housing Board (Allotment, Management and Sale of Tenements) Regulations, 1979.
- (ii) There shall be provision for allotment of dwelling unit to the oustees under the various schemes floated by the Board, the extent of which shall be determined by the Chandigarh Housing Board from time to time. If sufficient applications from oustees are not forthcoming under a particular scheme, the balance of the earmarked dwelling units shall be made available for allotment to the applicants in the general category.

6. An oustee shall make an application to the Chandigarh Housing Board for allotment of a dwelling unit in the prescribed form, duly certified by the Land Acquisition Officer, U.T., Chandigarh that the oustee has been paid the compensation in respect of the area of land acquired for the development of Chandigarh.

7. “The Chandigarh Allotment of Sites on Lease-hold basis to the Oustees of Chandigarh Scheme, 1972” is hereby repealed.
