

ITEM NO.102

COURT NO.6

SECTION IV

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7044 OF 2001

RAM NATH

Appellant (s)

VERSUS

HOUSING BOARD, HARYANA &amp; ORS.

Respondent(s)

(With office report )

Date: 11/04/2007 This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s)

Mr. Nidhesh Gupta, Adv.

Mr. Vinod Shukla, Adv.

Ms. Naresh Bakshi, Adv.

Mr. Tushar Bakshi, Adv.

For Respondent(s)

Mr.T.V.George, Adv.

Rr-Ex-Parte ,Adv

UPON hearing counsel the Court made the following

## O R D E R

There is no merit in the appeal. It is, accordingly, dismissed in terms of the signed order.

( Ravi P. Verma )

Court Master

( Anand Singh )

Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7044 OF 2001

RAM NATH

APPELLANT(S)

Versus

HOUSING BOARD, HARYANA &  
ORS.

RESPONDENT(S)

O R D E R

The dispute involved in this appeal is with regard to the Housing Scheme for HIG (Higher Income Group). 54 houses were available under the HIG Scheme. Out of which, 28 houses were reserved for general category, 16 houses for ex-servicemen and remaining 10 houses were reserved for Scheduled Castes/Backward

Classes (SC/BC) category. The draw of lots was held on 29/01/1988

in which only 3 applicants applied from SC/BC category. 7 houses

were left over from SC/BC quota. The appellant is one of the

applicants from general category. His name stands at serial number

35. It is the case of the appellant that if 7 houses left over from SC/BC

quota is shifted to general category, his serial number being 35, he

would have got the order of allotment.

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Clause 6(b) of the advertisement is in the following terms:

"b) Members of Scheduled Castes/ Till the date of  
Backward Classes allotment or the  
date upto which  
quota is fully  
subscribed, which-  
ever is earlier."

The above clause clearly shows that it is not the date of draw but the

date of allotment which is more important and it states that for

members of SC/BC it is upto the date of allotment or the date upto

which quota is fully subscribed, whichever is earlier. It is the specific

contention of the respondent that although draw of lots was held on

29/01/1988, no allotment was done. Subsequent to the draw of lots

more applications were received for the 7 left over houses from the

SC/BC category. And after applications were received from the reserved category, all the 10 houses reserved for SC/BC have been allotted. The contention of Mr. Nidhesh Gupta, learned counsel for the appellant, is that on the date of draw of lots, i.e. 29/01/1988, only 3 persons from the reserved category applied and, therefore, 7 left over from the reserved category should be shifted to the general category. This view is not tenable in law.

For the reasons afore-stated, there is no merit in this appeal.

It is, accordingly, dismissed.

.....J.

( H.K. SEMA )

New Delhi;

.....J.

April 11, 2007.

( V.S. SIRPURKAR )