

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

CWP No.2415 of 2001

Date of decision:6.2.2015

Rajwant Kaur and others

....Petitioners

VERSUS

Punjab Urban Development Authority and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Pankaj Jain, Advocate for the petitioners.

Mr. Vinod S. Bhardwaj, Additional Advocate General,
Punjab for respondent No.1.

Mr. R.S. Khosla, Senior Advocate with
Mr. Aman Sharma, Advocate for respondents No.2 and 3.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to the price of Rs.3600/- per square yard mentioned in the letter of allotment dated 28.02.2001 allotting plot No.554, Phase XI, S.A.S. Nagar, Mohali to the petitioner.

The petitioners are the legal heirs of one Baboo Singh son of Inder Singh whose land measuring 48 Kanal 10 Marla situated in village Kumbra and 34 Kanal 3 Marla situated in village Kambali, was acquired in respect of which Awards dated 27.02.1975 and 24.03.1976 were announced. Baboo Singh as a landowner, whose land was acquired, applied for a 250 square yard plot on 04.08.1980 which request was upgraded for a plot of 500 square yards in the year 1994 when the price prevailing for the allotment of plots was Rs.1400/- per square yard. The name of Baboo Singh was considered in the draw of

lots held on 01.08.1995 but no letter of allotment was issued. It was thereafter, on 28.02.2001, the letter of allotment was issued allotting plot measuring 500 square yards at the rate of Rs.3600/- per square yard, the rate in dispute in the present writ petition.

The grievance of the petitioner is that since at the time of draw of lots the price prevailing was Rs.1400/- per square yard, therefore, it is the said price which alone could be charged from the petitioner.

Similar issue has been examined by this Court in CWP No.16779 of 2000 titled Kaka Singh and others v. State of Punjab and others, decided on 29.01.2015 wherein considering the earlier judgment of Division Bench of this Court in CWP No.1454 of 1992 titled The Chandigarh Vayu Barti Coop House Building Society v. Union of India and others, decided on 18.12.1996, it has been held that the price prevailing at the time of issuance of letter of allotment would be payable.

In view of the reasons recorded in Kaka Singh's case (supra), we do not find that the petitioner can be permitted to dispute the price mentioned in the letter of allotment.

Consequently, we do not find any merit in the present writ petition. The same is dismissed.

(HEMANT GUPTA)
JUDGE

FEBRUARY 6, 2015
‘D. Gulati’

(HARI PAL VERMA)
JUDGE