

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

**CWP No. 440 of 2001**

**Date of Decision: 20.01.2015**

Santosh Kumari

....Petitioner

Versus

Jalandhar Improvement Trust etc.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present: Mr. Ishpreet Singh, Advocate for the petitioner.

Mr. Inderjit Singh, Advocate for Jalandhar  
Improvement Trust-respondent No.1.

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**HEMANT GUPTA, J.(Oral)**

The petitioner is the unfortunate wife of Late Sh. Kulwant Rai, who was killed while travelling in a bus from Batala to Jalandhar on 09.11.1990. The Jalandhar Improvement Trust framed a development scheme of 94.5 acres of land in Guru Gobind Singh avenue to allot the flats to the persons affected by terrorism. In the said scheme, 3 HIG flats were reserved for allotment to the affected terrorist victims. The petitioner was one of the applicants for allotment of the said HIG flat but the flat was not allotted to the petitioner.

The petitioner was hopeful for allotment of the flat as she was given to understand that there were three applicants only but still, the flat was not allotted, which led to the filing of the present writ petition.

The respondents have filed reply, wherein it has been asserted that the number of the applicants for allotment of 3 HIG flats were 15 including the petitioner. Names of all the fifteen

candidates have been given in para 1 of the preliminary objection. It is also pointed out that initially allotment was to be made by draw of lots but on the representation filed by one of the applicants, namely, Smt. Rekha Goel, that the allotment should be made on the basis of the year, in which the family suffered the terrorist violence, the Board of Trustees of the Jalandhar Improvement Trust passed a resolution on 21.07.2000 to the effect that the allotment of the flats reserved for the terrorist victims should be made as per the year in which the applicant suffered the terrorist violence. The said resolution was approved by the State Government on 31.08.2000(Annexure R-1/1). Therefore, the allotment were made to the three terrorist victims, namely, Smt. Rekha Goel, Smt. Devi Rani and Sh. Varinder Khullar, as per the year in which they suffered terrorist violence. After the said allotment, the petitioner was refunded the amount deposited vide communication dated 19.12.2000(Annexure R-1/3). Thereafter, the petitioner filed a rejoinder asserting that the brochure issued by the Jalandhar Improvement Trust inviting applications for allotment of flats specified the mode of allotment as draw of lots, but without adverting the method of draw of lots, the respondents have adopted the method of allotment on the basis of the year in which the applicants had suffered terrorist violence.

It may be noticed that petitioner filed an application i.e *C.M. No. 16676 of 2005* on 21.09.2005, wherein the petitioner sought production of the record in respect of allotment numbers and addresses of the allottees, namely, Smt. Rekha Goel, Smt. Devi Rani and Sh. Varinder Khullar, so as to implead them as a party. The said application was ordered to be heard along with

the writ petition at the time of final hearing. Now, the matter has come up for final hearing before us.

We find that no substantive relief can be given to the petitioner in the present writ petition in the absence of necessary and proper parties. The allottees of the flats have not been impleaded as parties to the writ petition. The application of the petitioner was not to implead them as a party but to get their addresses so as to implead them as a party. The fact remains that the allotment was finalized in the year 2000-01 and after 14 years, it would be wholly unjust and untenable to implead the successful allottees and to interfere the allotments made.

However, as per the brochure, the allotment was to be made by draw of lots in terms of *Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983* (for short "the Rules"). Therefore, the action of the respondents in making the allotment of flats by any other method, when the number of applications is more than the flats available, is contrary to the statutory rules as contained in Rule 8 thereof apart from the condition in the brochure published inviting applications.

Therefore, we dispose of the present writ petition with a direction to the Improvement Trust to reconsider the application of the petitioner along with such other applicants who have submitted their applications in the year 2000 for allotment of flats in any other scheme, in which the similar or same flats are available. The respondents shall identify three suitable or similar flats for allotment to the petitioner and other 11 applicants, by seeking their option for consideration of allotment of such flats at the current market price, without disturbing the allotments which

were already made. The needful shall be done within six months from today.

The writ petition stands disposed of accordingly.

**(HEMANT GUPTA)**  
**JUDGE**

**(HARI PAL VERMA)**  
**JUDGE**

January 20, 2015  
*Anjal*