

212 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.11425 of 2015
Date of Decision: September 01, 2015

Joginder Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present: Mr. S.S.Salar, Advocate, for the petitioner.

Mr. Rajesh Bhardwaj, Addl. AG, Punjab.

Mr. Rajesh Verma, Advocate for
Mr. Neeraj, Advocate
for respondent No.2.

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- 1. Whether Reporters of Local papers may be allowed to see the judgment?***
- 2. To be referred to the Reporters or not?***
- 3. Whether the judgment should be reported in the Digest?***

Surya Kant, J. (Oral)

The petitioner is one of the three sons of late Pritam Kaur whose land was acquired by respondent No.2-Improvement Trust Ludhiana vide Award dated 12.06.1980 for '256 Acres Development Scheme'. Pritam Kaur is said to have executed a Will dated 19.09.1981 bequeathing her right to get the plot allotted in favour of the petitioner to the exclusion of his two brothers namely, Kartar Singh and Parminder Singh. The Improvement Trust, Ludhiana, invited applications in the year 1992 for allotment of plots to the 'Local Displaced Persons' and Pritam Kaur is said to have applied.

2. The petitioner has thereafter narrated a long story to explain that Pritam Kaur during her life-time and after her death, he has been pursuing the

allotment-claim before the Trust authorities. Meanwhile, this Court directed the Trust to decide the claim of similarly placed 'Local Displaced Persons' and those directions are said to have been implemented on pick and choose basis. It is pointed-out that this Court while deciding CWP No.8775 of 2014 (Gurnam Singh versus State of Punjab and another) and CWP No. 17445 of 2015 (Harjinder Singh & another vs. State of Punjab and another) though specifically observed vide order dated 08.05.2014 that the delay in approaching the authorities shall not be construed to have been condoned, yet the writ-petitioner in that case was allotted the plot but no such benefit has been extended to the petitioner.

3. In the light of the allegations of pick and choose or the violation of Article 14 of the Constitution but without expressing any views on the petitioner's entitlement or claim, we dispose of this writ petition with a direction to the Improvement Trust, Ludhiana-respondent No.2 to treat this writ petition as a representation on behalf of the petitioner and take an appropriate decision in accordance with law/Rules within a period of four months from the date of receiving a certified copy of this order. We reiterate that this order shall not be taken as if the inordinate delay and laches are condoned. Notwithstanding thereto, if the Trust decides to allot any plot, it is directed that the same will be allotted only at the current market rate and not at the old rate(s).

4. Ordered accordingly.

5. Dasti.

[SURYA KANT]
JUDGE

September 01, 2015
sham

[JASPAL SINGH]
JUDGE