

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11566 of 2015

Date of Decision: 28.5.2015

Rajiv Sekhri and another

....Petitioners.

Versus

Amritsar Improvement Trust, Amritsar

...Respondent.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. H.S. Sethi, Advocate with
Mr. H.S. Dhindsa, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondent to consider their case for the allotment of plots by holding the draw of lots.

2. The petitioners applied for the allotment of plots along with a sum of ₹ 10,000/- each with the respondent in 'Ajnala Road Expansion Scheme' (in short "the Scheme"). Apart from the petitioners, certain other persons, including Nirmaljit Kaur and Baljit Kaur, employees of the respondent, had also applied for the allotment of the plots under the Scheme. Approval was given to the respondent by the Government of Punjab for the allotment of plots after holding the draw of lots. However, no draw of lots was held. Nirmaljit Kaur and Baljit Kaur filed suits for issuance of directions to the respondent to hold the draw of lots which

were allowed vide judgment and decree dated 16.5.2012 holding that the draw of lots should be held immediately. The appeal filed by the respondent against the said judgment dated 16.5.2012 was also dismissed by the lower appellate court vide judgment dated 17.10.2014. The said judgment had attained finality as no further appeal was filed by the respondent. The respondent had decided to hold the draw of lots only qua two persons who have filed civil suits whereas the Government of Punjab had granted approval for draw of lots of all the persons who had applied for the allotment of plots. The petitioners sent a legal notice dated 15.1.2015 (Annexure P-9) to the respondent for the allotment of plots under the Scheme, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 15.1.2015 (Annexure P-9) to the respondent, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the respondent to take a decision on the legal notice dated 15.1.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 28, 2015
gbs

(REKHA MITTAL)
JUDGE