

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 212

Civil Writ Petition No.123 of 2015 (O & M)

Date of Decision: *August 18, 2015*

Jaswant Singh & others

..... PETITIONER(S)

VERSUS

Principal Secretary, Department of Housing and Urban Development, Punjab & others

..... RESPONDENT(S)

. . .

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

. . .

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?

. . .

PRESENT: - Mr. Ramandeep Singh, Advocate, for the petitioners.

 Mr. Rupinder S. Khosla, Senior Advocate, with
 Mr. Aman Sharma, Advocate, for the respondents.

. . .

Surya Kant, J (Oral)

1. 45 petitioners are residents of village Mullanpur Garibdas, Tehsil Kharar, District SAS Nagar (Mohali). Their grievance is against the non-issuance of 'letters of intent' for allotment of residential plots as per their eligibility and entitlement. The above stated claim is based on the premise that the land of petitioners was acquired by State of Punjab for its development by Greater Mohali Area Development Authority (for short,

‘GMADA’). The details of petitioners’ acquired land alongwith Award number etc. are duly mentioned in Para 2 of the writ petition.

2. Pursuant to the notice issued, the Estate Officer, GMADA, has filed a short reply/affidavit, Para 3 to 7 whereof are to the following effect:-

“3. That it is respectfully submitted here that the letters of intent have been issued to the present petitioner nos. 1 to 5, 10 to 13, 19 to 22, 25 to 29, 34 & 35 and 39 & 40 by the office of deponent. It is also pertinent to mention here that plot numbers have been allotted to all the above mentioned petitioners.

4. That the acquired land of the petitioner nos. 6 to 9, 14 to 17, 23 & 24, 30 to 33, 36 and 41 to 44 is less than 0-16 Marla, as such, they are not eligible for inclusion in the draw. It is pertinent to mention here that the special letters of intent have already been issued to all the said persons. If at all they apply for the clubbing of the above mentioned special letters of intent, then a plot will be allotted to them as per the said scheme.

5. That it is pertinent to mention here that the share of the petitioner no. 18, in the acquired land, is not clear in the revenue records. As such, if his share as per the revenue record is established, his claim will be considered as per the said scheme.

6. That it is submitted that the name of the petitioner nos.37 & 38, as land owners, are not mentioned in the revenue record of the said land. As such, they were not considered for draw in the said scheme.

7. That it is worthwhile to mention here that after perusing the revenue record of petitioner no. 45, it has been come out that there is some dispute regarding the share of the petitioner in the revenue record. As such, if the petitioner no. 45 will specify his share in the revenue record, his claim will also be considered as per the said scheme.”

3. Learned counsel for the petitioners submits that no letters of intent has been issued so far to petitioner Nos.34 and 35, though, it is so averred in Para 3 of the affidavit. Since eligibility of petitioner Nos.34 and 35 is not in dispute, we direct GMADA to issue letters of intent to them, if already not issued, within two weeks.

4. As regard to petitioners mentioned in Para 4 of the affidavit, we grant them liberty to represent the Estate Officer, GMADA, alongwith the details of their acquired land and establish the eligibility for allotment. Their representation shall be decided by passing separate reasoned orders within

two weeks of submission of such representation(s). Petitioners mentioned in Para 4 of the affidavit, nevertheless, shall be at liberty to seek allotment by clubbing their claims as suggested by GMADA.

5. Similarly, petitioner No.18 may represent alongwith copies of revenue record to point out the total area of his acquired land and his share therein. On doing so, his claim shall be decided within two weeks of submission of representation.

6. Likewise, petitioner Nos.37 and 38 would also produce the revenue record alongwith their representations to establish that they too are owners of the land acquired by State/GMADA. On consideration of such record/proof, their claim be determined by passing a speaking order within two weeks of submission of representation(s).

7. Lastly, petitioner No.45 may also submit a representation specifying his share in the land as per revenue record and may produce the relevant record so that his claim can also be expedited and decided within two weeks.

8. If grievance of the petitioners is not fully redressed, they shall be at liberty to firstly approach the Chief Administrator, GMADA and then any other appropriate Forum.

9. Disposed of.

(Surya Kant)
Judge

(Jaspal Singh)
Judge

August 18, 2015
avin