

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13834 of 2015

Date of Decision: 14.7.2015

Kuldeep Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Tribhawan Singla, 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 respondents to provide the electricity connection and other amenities to the petitioners who were allotted booth sites at Mehmankhana Site, Patiala Hotel, Near Bus Stand, Patiala as displaced persons.

2. The petitioners are in possession of the shop/land situated at Mehmankhana Site, Patiala Hotel, Near Bus Stand, Patiala for the last more than 40 years. The respondents decided to acquire the said land and a booth site was to be allotted to all the persons who were in possession of the shop/land at Mehmankhana site in lieu of the land acquired. Accordingly, in a meeting dated 27.4.2012 held between the petitioners and the respondents, it was decided that booth site of 8'3" x

12 size would be allotted at the reserve price of ₹ 55,000/- per square yard and the payment would be made in four equal installments with 12% interest and the petitioners would vacate the land immediately as and when the possession of the booths is given to them. In pursuance thereto, a letter dated 10.4.2013 (Annexure P-2) was issued to the petitioners offering them to allot the booths and directing them to pay 10% of the amount within 15 days along with other terms and conditions. In terms of Annexure P-2, the petitioners deposited 10% amount as demanded within the stipulated period along with all relevant documents. A letter dated 19.6.2014 (Annexure P-3) was issued to one of the petitioners informing that the draw of lots for the shops to be allotted to the petitioners would be held in the PUDA Office. Thereafter, the allotment letter dated 4.8.2014 (Annexure P-4) was issued to the petitioners for the built up shops measuring 11 square yards with the dimensions 8 x 3' x 12' on the tentative price of ₹ 8,08,500/- and all the petitioners had deposited 25% of the amount as demanded by the respondents and rest amount of 75%, the petitioners have to pay in four equal installments and the first installment is due on 4.8.2015. After the deposit of 25% of the amount, the respondents issued a letter dated 11.9.2014 (Annexure P-5) for handing over possession of the shops to the petitioners and as such the petitioners have taken possession vide slip dated 19.9.2014 (Annexure P-6). When the petitioners have taken the possession 19.9.2014, they have handed over the possession back of the earlier site to the respondents. The petitioners wrote a letter dated 26.9.2014 (Annexure P-7) to respondent No.3 for providing the basic amenities like electricity along with the staircase to the first floor, street light, drainage water, drinking water, washrooms, repair of parking and

repairing of the floors etc. Respondent No.5 vide letter dated 10.10.2014 (Annexure P-8) informed the petitioners that as per the report of the Junior Engineer as the area is being developed by Punjab Urban Development Authority (PUDA), therefore, LD system is to be taken over as per Regulation 36 of the ESIM and as the LD system has not been installed by PUDA, therefore, no connection could be issued to them. Accordingly, the petitioners made a representation dated 30.10.2014 (Annexure P-9) to respondent No.3 for installation of electric meter at the earliest. Instead of making effort to install the LD system, the respondents issued a letter dated 31.10.2014 (Annexure P-10) to the petitioners directing them to hand over the possession of the old shops. Being aggrieved, the petitioners served legal notices dated 22.4.2015 (Annexure P-11) and dated 1.6.2015 (Annexure P-12) upon the Chief Secretary, Punjab Urban Development Authority, SST Nagar, Patiala, the Chief Administrator, Punjab Urban Development Authority, SAS Nagar, Mohali and respondent No.3 for providing the electricity connection and other amenities, 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 legal notices dated 22.4.2015 (Annexure P-11) and dated 1.6.2015 (Annexure P-12) upon the Chief Secretary, Punjab Urban Development Authority, SST Nagar, Patiala, the Chief Administrator, Punjab Urban Development Authority, SAS Nagar, Mohali and respondent No.3, 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 respondent No.3 to take a decision on the legal notices dated 22.4.2015 (Annexure P-11) and dated 1.6.2015 (Annexure P-12), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 14, 2015
gbs

(REKHA MITTAL)
JUDGE