

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.1537 of 2015

Date of decision:29.1.2015

Gurdip Singh

....Petitioner

VERSUS

Ludhiana Improvement Trust and another Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Akash Singla, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The petitioner claims a plot consequent to acquisition of his land in pursuance of notification published under Section 36 of the Town Improvement Act, 1922 (for short 'the Act') on 08.06.1973.

Learned counsel for the petitioner relies upon Ludhiana Improvement Trust Land Disposal Rules, 1964 to contend that the petitioner is entitled to allotment of a plot. However, State Government has initially framed Utilisation of Land and Allotment of Plots by Improvement Trust Rules, 1975 since repealed by Punjab Town Improvement (Utilisation of Land and Allotment of Plots) Rules, 1983. The question as to which Rules will be applicable in these circumstances has been examined by this Division Bench in CWP No.14321 of 2009 titled Harjeevan Kaur Garewal and others v. State of Punjab and others, decided on 23.01.2015. It has been held that in case of inconsistency between the Rules framed by the Improvement Trust and the Rules framed by the State Government,

the Rules framed by the State Government will have precedent in terms of Section 74 of the Act. It has been further held that plot can be allotted only after inviting applications through public advertisements.

Thus, the petitioner cannot seek allotment of plot by submitting an application without any advertisement. Therefore, we do not find any merit in the writ petition. The present writ petition is dismissed.

However, it shall be open to the petitioner to apply for a plot as and when the Improvement Trust decides to publish an advertisement inviting applications from the land owners whose land has been acquired as a process of rehabilitation.

(HEMANT GUPTA)
JUDGE

JANUARY 29, 2015
‘D. Gulati’

(HARI PAL VERMA)
JUDGE