IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.171 of 2014
Date of decision: 25.5.2015

Inderjit Singh

……Petitioner

Vs.

State of Punjab and others

…..Respondents

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

Present: Mr. Mansur Ali, Advocate for the petitioner.

Mr. D.S.Mann, AAG, Punjab.

Mr. Harsh Aggarwal, Advocate for GLADA.

Ajay Kumar Mittal,J.

1. The petitioner seeks a writ in the nature of mandamus directing the respondents to allot Plot No.5175, measuring 766.66 square yards as highlighted in the waiting list, Annexure P.1 dated 18.4.2007 to him in view of the fact that he was at Sr.No.1 in the waiting list and the original allottee's allotment was cancelled vide order dated 14.12.2009, Annexure P.6. Further prayer has been made for directing the respondents to consider the claim of the petitioner without referring to the waiting period of one year as the appeal of respondent No.5 Jagdeep Singh Deol was dismissed vide order dated 17.2.2010, Annexure P.10. Additionally, prayer for quashing the impugned order dated 30.9.2013/3.10.2013, Annexure P.15 was also made.

2. A few facts relevant for the decision of the controversy

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involved as narrated in the petition may be noticed. Respondent Nos. 2 and 3 issued advertisement for draw of lots to be held on 18.4.2007 with regard to plot measuring 766.66 square yards, Urban Estate, Phase 2, Dugri Road, Ludhiana. The petitioner being in the 1984 Riot Victim category was kept in the waiting list. The allotment in favour of Jagdeep Singh Deol son of Amar Singh was cancelled as he was allotted another plot also. Vide application dated 1.2.2010, Annexure P.7, the petitioner requested the authorities for allotment of plot to him. The appeal against the order dated 14.12.2009, Annexure P.6, filed by Jagdeep Singh Deol was dismissed vide order dated 17.2.2010, Annexure P.10. Vide order dated 3.5.2010, Annexure P.11, the respondent authorities rejected the claim of the petitioner on the ground that waiting period was only one year and since the same had expired, his claim could not be considered. On 29.1.2013, Annexure P.13, the petitioner moved a representation to the respondent authorities. He also filed CWP No.7125 of 2013, which was disposed of vide order dated 4.4.2013, Annexure P.14 with a direction to the respondents to decide the representation of the petitioner within a period of three months. Vide order dated 30.9.2013/3.10.2013, Annexure P.15, respondent No.2 rejected the claim of the petitioner by relying upon the fact that as per the policy, the waiting list was valid for one year from the date of the draw. The revision filed by the petitioner was also dismissed on 21.6.2011. Hence the instant writ petition.

3. We have heard learned counsel for the parties.

4. Admittedly, the draw of lots was held on 18.4.2007. Clause (d) of the mode of allotment as per terms and conditions given in the Information Brochure provides for duration of waiting list which is as

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under:-

> "(d) The waiting list will be valid for one year from the date of draw."

Accordingly, the waiting list was valid for one year therefrom till 18.4.2008. Plot No.5175 measuring 766.66 square yards was allotted to Jagdeep Singh Deol in the riot and terrorist affected category. Allotment letter was issued to him on 18.6.2007. On the basis of complaint received from the petitioner herein on 18.9.2009, the Estate Officer cancelled the allotment in favour of Jagdeep Singh Deol. His appeal and revision were also dismissed by the authorities. The petitioner submitted representation dated 29.1.2013, Annexure P.13 on the basis of his name in the waiting list at No.1. In pursuance to the order dated 4.4.2013, Annexure P.14 passed by this Court in the writ petition filed by the petitioner, the matter was examined by the authorities and vide order dated 30.9.2013/3.10.2013, Annexure P.15, the Chief Administrator, GLADA, Ludhiana held that though the plot in question was cancelled on 14.12.2009 and finally revision petition filed by the original allottee was rejected on 21.6.2011, the cancellation did not make any entitlement of allotment as even the earnest money had been refunded to the petitioner vide cheque dated 2.7.2008 i.e. after the expiry of one year from the date of the draw. The relevant finding recorded by respondent No.2 reads thus:-

> "Claim of Shri Inderjit Singh in representation dated 29.1.2013 is that he was placed at No.1 in the waiting list. Since the case of Shri Jagdeep Singh was dismissed on 17.2.2010, he becomes eligible for allotment of plot.
>
> As per record, it is correct that Shri Inderjit Singh was placed at waiting list No.1 in the draw of lots in reserve category for riot and terrorist affected. However, as per the

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policy/brochure of PUDA, the waiting list is valid for one year from the date of draw. It does not matter that the plot in question was cancelled on 14.12.2009 and finally revision Petition filed by the allottee Shri Jagdeep Singh Deol was rejected on 21.6.2011. The cancellation order does not make any entitlement of allotment of plot in dispute, as the earnest money has been refunded to the petitioner vide cheque No.095046 dated 2.7.2008 after the expiry of one year from the date of draw. Therefore, the petitioner has no right/claim over the plot in question. The representation dated 29.1.2013 made by the petitioner is therefore hereby considered and rejected."

5. The petitioner being in the waiting list and the stipulated period of one year from the date of the draw having already expired, he was not entitled to the allotment of the plot in question. The earnest money was also refunded to the petitioner on 2.7.2008 by cheque, i.e., after the expiry of the said period of one year which was encashed by him. No error could be pointed out by the learned counsel for the petitioner in the finding recorded by respondent No.2 in its order dated 30.9.2013/3.10.2013, Annexure P.15, which may call for interference by this Court under Articles 226/227 of the Constitution of India. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

May 25, 2015 **(Rekha Mittal)**
'gs' **Judge**

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