

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.16523 of 2015
Date of Decision: August 12, 2015

Smt.Swaran KaurPetitioner
versus
State of Punjab and anotherRespondents

[2] Civil Writ Petition No.16548 of 2015

Gurmeet Singh @ Gurjit SinghPetitioner
versus
State of Punjab and anotherRespondents

[3] Civil Writ Petition No.16572 of 2015

Harjit SinghPetitioner
versus
State of Punjab and anotherRespondents

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

Present: Mr.A.S.Gulati, Advocate, for the petitioner (s).

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- 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?

Surya Kant, J. (Oral)

This order shall dispose of CWP Nos.16523, 16548 and 16572 of 2015 as in all the three cases, the petitioner(s) have sought a writ of mandamus to direct the Amritsar Improvement Trust to consider their claim for allotment of plots in Trucks Stand Scheme in the category of 'Local Displaced Persons'.

Shorn of the details, the above-stated Scheme was floated by the respondent-Trust in the year 1979 in which land

of the petitioner(s) is said to have been acquired. The Trust formulated the Rules whereunder the 'local displaced persons' were entitled to allotment of plots under the Scheme and the petitioner(s) are said to have deposited the requisite amount alongwith their applications for such allotment. For example, the petitioner (Smt.Swaran Kaur) in first case (CWP No.16523 of 2015) statedly deposited Rs.500/- vide receipt No.6970 dated 01.08.1979.

The petitioners have further averred that they continued to approach the authorities time and again and it was in the year 1996 only that the authorities took cognizance of their claim and asked them to furnish certain documents. Those requirements were complied with but nothing happened thereafter also. Certain representations made by the petitioners have been appended so as to cover up the delay.

We have heard learned counsel for the petitioners. On a pointed query to explain the inordinate delay in approaching the Court, learned counsel relies upon the decision of this Court dated 30.08.2012 in LPA No.821 of 2012 (Improvement Trust, Ludhiana versus Joginder Singh and others) to contend that if the petitioners' claim is found to be bonafide and genuine and if the plots are available, it is obligated upon the Trust to consider such claim and in the event of its acceptance, the petitioners can be asked to deposit the 'current allotment price' so that the Improvement Trust does not suffer any loss. In the cited case, this Court viewed as follows:-

“..... Keeping the above stated facts in view, we find no legal infirmity in the direction issued by the learned Single Judge. Suffice it

would be to observe that the delay caused by the respondents in approaching the appellant-Improvement Trust has not worked to its disadvantage as the allotment now to be made by it would be at the rate as it was applicable in the year 2001 when the writ petition was filed and not at the rate of the year 1990.....”

Taking clue therefrom but without expressing any views on merits or entitlement of the petitioners, we dispose of these writ petitions with a direction to the Improvement Trust, Amritsar, to take an appropriate decision within a period of four months from the date of receiving a certified copy of this order. However, if the claim of the petitioners is accepted, the allotment shall be made at the current allotment price only.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 12, 2015
mohinder

[JASPAL SINGH]
JUDGE