

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.17445 of 2015

Date of Decision: August 21, 2015

Harjinder Singh and anotherPetitioners

versus

State of Punjab and anotherRespondents

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

Present: Mr.S.S.Salar, Advocate, for the petitioners.

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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)

The petitioners are grand-son and daughter-in-law of late Mohinder Singh whose land was acquired by respondent No.2-Improvement Trust Ludhiana vide Award dated 19.04.1974 for 550 Acres Development Scheme. Mohinder Singh is said to have executed a Will in favour of the petitioners as the father of first petitioner and husband of petitioner No.2 had pre-deceased Mohinder Singh. The Improvement Trust, Ludhiana, invited applications in the year 1975 for allotment of plots to the 'Local Displaced Persons' and Mohinder Singh is said to have applied.

The petitioners have thereafter narrated a long story to explain that Mohinder Singh during his life-time and after his death, they have been pursuing the allotment-claim before the Trust authorities. Meanwhile, this Court directed the Trust to decide the claim of similarly placed 'Local Displaced Persons' and those directions are said to have been

implemented on pick and choose basis. It is pointed-out that this Court while deciding CWP No.8775 of 2014 (Gurnam Singh versus State of Punjab and another) though specifically observed vide order dated 08.05.2014 that the delay in approaching the authorities shall not be construed to have been condoned, yet the writ-petitioner in that case was allotted the plot but no such benefit of consideration has been extended to the petitioners.

In the light of the allegations of pick and choose or the violation of Article 14 of the Constitution but without expressing any views on the petitioners' entitlement or claim, we dispose of this writ petition with a direction to the Improvement Trust, Ludhiana-respondent No.2 to treat this writ petition as a representation on behalf of the petitioners and take an appropriate decision in accordance with law/Rules within a period of four months from the date of receiving a certified copy of this order. We reiterate that this order shall not be taken as if the inordinate delay and laches are condoned and notwithstanding thereto, if the Trust decides to allot any plot, it is directed that the same will be allotted only at the current market rate and not at the old rate(s).

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

[JASPAL SINGH]
JUDGE

August 21, 2015
mohinder