

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.20792 of 2013
Date of Decision: September 01, 2015

Sukhdev Singh Randhawa

.....Petitioner

versus

State of Punjab and others

.....Respondents

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

Present: Mr.Ranjit Sharma, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.I.S.Sidhu, Advocate, for respondent Nos.2 & 3.

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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 question that arises for consideration in this case is whether the petitioner is entitled and eligible for allotment of a residential plot in Ranjit Avenue (Blocks-A, B & D), Ajnala Road, Amritsar?

[2] The petitioner, at the relevant time, was serving as Up-Vaid in the Health and Family Welfare Department, Government of Punjab. The Improvement Trust, Amritsar, invited applications for allotment of residential plots, on 07.09.2010 and the last date for submitting applications was 15.10.2010. Some of the plots were reserved for pensioners and those Government employees who were due for retirement within three years.

[3] The petitioner applied in the above-stated category for a plot measuring 250 square yards and he was successful in the draw of lots held on 14.02.2011.

[4] Plot No.761-D was allotted to the petitioner and allotment letter dated 16.09.2011 was issued to him. He deposited the first installment as well.

[5] When the petitioner wanted to deposit the second installment, the Trust declined to accept the same on the ground that his eligibility was under clouds as he allegedly owned a residential house at Fatehgarh Churian, Tehsil Batala, District Gurdaspur, namely, in an 'urban area'.

[6] It would be appropriate at this stage to reproduce the following eligibility conditions prescribed in the Information Broacher by the Trust which are also contained in the allotment letter dated 16.09.2011:-

“.....13. Above said allotment is being done on the basis of affidavit submitted by you. In case Trust comes to know that you or any member dependent upon you or your wife individually or jointly any plot/house (except the ancestral house) is allotted in any Improvement Trust of Punjab or urban estate or Union Territory of Chandigarh or Panchkula or any such plot/house allotted is sold and you have concealed this fact in your affidavit, then in that situation, Trust has full rights to cancel this allotment and to forfeit the amount deposited against this plot.....”

(emphasis applied)

[7] It may be seen that if a person owns jointly or otherwise a plot or house “allotted in any Improvement Trust of Punjab or urban estate or Union Territory of Chandigarh or Panchkula or any such plot/house is sold.....” in that event, such person would be ineligible for the allotment.

[8] The petitioner's precise case is that the house owned by him at Fatehgarh Churian was neither allotted by any Improvement Trust etc. nor that house falls in any “urban estate of Punjab or Union Territory, Chandigarh”.

[9] The case was adjourned time and again to enable the Improvement Trust to verify the above-stated stand taken by the petitioner. Though its learned counsel seeks more time, but we are of the considered view that the matter can be disposed of with a direction to the Trust-authorities to conduct a fact-finding enquiry, if need be, and ascertain whether the residential house owned by the petitioner at Fatehgarh Churian, falls in any 'urban estate' or was it allotted by any 'Improvement Trust'? That property admittedly does not fall within the Union Territory, Chandigarh or the urban estate of Panchkula (Haryana). So, what is required to be verified is whether the house at Fatehgarh Churian was allotted by any Improvement Trust and whether that area has been notified as urban estate?

[10] If it is found on verification that the house at Fatehgarh Churian was not allotted by an Improvement Trust and it does not form part of a notified urban estate, the Improvement Trust, Amritsar is directed to accept the next installment from the petitioner and regularize the allotment already made in his favour. In case the fact-finding enquiry holds otherwise, such a report shall be supplied to the

petitioner and on consideration of his objections, an appropriate reasoned order shall be passed within a period of two months. The further dispute, if any, shall be referable to the Prescribed Authority, namely, the Commissioner, Jalandhar Division, Jalandhar. The fact-finding enquiry shall be conducted within a period of one month from the date of receiving a certified copy of this order.

[11] Ordered accordingly.

[12] Dasti.

[SURYA KANT]
JUDGE

September 01, 2015
mohinder

[JASPAL SINGH]
JUDGE