

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP No.21101 of 2013
Date of Decision:- 13.10.2015.

Lakhmir Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(2.)

CWP No.22111 of 2013

Anthony Fernandez and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(3.)

CWP No.22112 of 2013

Mohan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(4.)

CWP No.21137 of 2013

M/s Maha Laxmi Timber Store

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: Mr. Mohit Jaggi, Advocate for the petitioner(s).

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. Shekhar Verma, Advocate for GMADA.

SURYA KANT, J. (ORAL)

1.) This order shall dispose of CWP Nos.21101, 21137, 22111 and 22112 of 2013 as there is commonality in the point in issue raised in all the petitions.

2.) The question that arises for consideration is whether the petitioners who claim themselves to be tenants/unauthorized occupants of commercial or residential premises of village Lambian, Tehsil and District Mohali are entitled to the benefit of a special rehabilitation policy evolved in the meeting held on 1.6.2001 under the Chairmanship of Minister in charge, Department of Housing and Urban Development and which was formulated for the rehabilitation of *“original land owners/original residents of village Lambia---xx---xxx---xx”* whose immoveable properties were acquired by the State of

Punjab?

3.) The above mentioned policy decision expressly recites that the benefits thereunder are meant for persons whose “*land stands vacated since long but physical possession could not be taken-----xxx---xxx-----xxx*”. The other salient features of the policy are to the following effect:-

“[i] *Rehabilitation scheme for the original residents/ original landowners of village Lambian will be undertaken in Sector 71, SAS Nagar in the area kept as reserved along with the village Mataur.*

[ii] xx xx

[iii] *The number and area of residential plots to be allotted [based on survey] is as under:-*

Sr. No.	Present land holding/land ownership	Area to be allotted	No. of units
1	Upto 100 Sq. Yards	50 Sq. Yards	57
2	101-250 Sq. Yards	100 Sq. Yards	13
3	251-450 Sq. Yards	150 Sq. Yards	4
4	451-601 Sq. Yards	250 Sq. Yards	1
5	605-998 Sq. Yards	300 Sq. Yards	2
6	999-1240 Sq. Yards	400 Sq. Yards	1
7	1241 and above	500 Sq. Yards	1

[vii] *In case of commercial plots one Booth of 8'x12' will be allotted to each land owners/original residents having total land under commercial use @ Rs.6000/- per square yard to be paid as per [v] above.*

[viii] xx xx

[ix] *Land owners will draw the amount of the land compensation already deposited by PUDA in the Court.*

No more additional compensation due to interest, structure and trees shall be paid for the land by PUDA”.

4.) It is undeniable that hundreds of landowners whose residential or commercial properties were acquired have got the benefits under above stated policy and residential or commercial sites have been allotted to them by the State agency, namely, PUDA/GMADA. There were still several disputed claims raised before this Court by the affected persons. Those cases were decided on 17.10.2012 directing the constitution of a Committee comprising:-

(i) Secretary-cum-Legal Remembrancer, Punjab-Chairman; and

(ii) Chief Administrator, GMADA.

(iii) Additional Deputy Commissioner (General), SAS Nagar, Mohali as its members.

5.) The Committee was required to answer nine questions which were also formulated by this Court.

6.) The Committee considered the individual claims. As regard to the petitioners who claimed themselves to be the tenants/unauthorized occupants of the acquired properties, the Committee has rejected such claims being not covered under the rehabilitation policy. Consequently, issue No.6 formulated by this Court has been answered against them.

7.) The aggrieved petitioners are again before this Court in this second round of litigation.

8.) We have heard learned counsel for the parties at a considerable length and gone through the record.

9.) Mr. Shekhar Verma, learned counsel for GMADA has rightly contended that:

(i) the petitioners have not disclosed the full description of their landlords or the properties owned by such landlords;

(ii) the proof of relationship of landlord and tenant is not on record;

(iii) There is nothing to suggest that the landlord-cum-landowners themselves have not taken the benefit of rehabilitation policy dated 01.06.2001. In other words, if the landlord/landowners have taken benefit of the policy dated 01.06.2001 and have got allotted residential or commercial site(s), the petitioners cannot claim second allotment against the same acquired property;

(iv) There is no material on record to establish that the petitioners came to occupy any residential or commercial property as a tenant before initiation of the acquisition process, namely, Section 4 of the Notification which was issued in December, 1992.

10.) In view of the fact that the claims put-forth by the petitioners are founded upon serious questions of facts and in the

absence of any conclusive material such questions cannot be effectively adjudicated by this Court in exercise of its writ jurisdiction, we dismiss these writ petitions relegating the petitioners to approach the Civil Court and/or any other appropriate forum.

11.) If the petitioners will give an undertaking by way of their respective affidavits for handing over the vacant physical possession of their respective sites in favour of the Estate Officer, they may not be dispossessed for a period of six months.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

October 13, 2015.

sandeep sethi