

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-18169-2015

Date of decision:- 31.08.2015

Surjit Singh Singla

...Petitioner

Versus

Union Territory, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Dhawal Bhandari, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner has challenged a letter of allotment dated 14.07.2015 (Annexure P-45). The respondents have demanded a tentative premium of ₹ 2.50 crores in respect of an industrial plot. The petitioner's contention is that the premium must be determined as on the date on which the initial allotment was made in the year 1979 and not the premium as on date. The petitioner's case is based upon the judgement dated 01.12.2011 passed by a Division Bench of this Court in a group of writ petitions one of which is CWP-9710-1999 titled as *Surjit Kumar Singla Vs Union Territory, Chandigarh and others* (Annexure P-40). The Division Bench held the petitioners are entitled to the plots. The last paragraph of the judgement reads as under:-

"In view of the above facts, an adverse inference is to be drawn against the Administration. On the asking of this Court, learned counsel for the respondents after seeking instructions from the official, who is present in the Court, has informed this Court that plot No. 727 (in CWP No. 9710 of 1999), plot No. 395 (in CWP No. 6957 of 1998) and plot No. 558 (in CWP No. 17238 of 2001) are still available and these plots were initially

allotted to the petitioners in draw of lots. So, we are of the considered view that impugned orders are not sustainable in the eyes of law and we direct that the petitioners in all the three cases should be issued allotment letter of respective plots i.e. plot No. 727 in CWP No. 9710 of 1999, plot No. 395 in CWP No. 6957 of 1998 and plot No. 558 in CWP No. 17238 of 2001 and be delivered possession subject to making payment in accordance with law or as per the schedule given by the Union Territory, Administration.

In view of the above, all the three writ petitions are allowed.”

The petitioner's claim involves the interpretation of this judgement.

2. The petitioner has also filed COCP-435-2015 alleging that the respondents have not complied with the said order and judgement dated 01.12.2011 in CWP-9710-1999. By an order dated 23.02.2015 in COCP-435-2015, the learned Judge has directed the respondents to file a status report as regards compliance with the said judgement dated 01.12.2011. It is thereafter that the impugned order/letter of allotment dated 14.07.2015 was issued.

3. The issue regarding the quantum of premium, therefore, will be decided in the COCP-435-2015. It is not necessary to entertain this writ petition which in effect calls for an interpretation of the aforesaid judgement of the Division Bench. The petitioner may either have the order clarified or press its interpretation in the COCP-435-2015. Needless to add, the contentions of the parties are kept open.

4. We are inclined to grant the petitioner limited protection by extending the date for compliance with the impugned order/letter of allotment. The impugned order/letter of allotment requires the petitioner to deposit in the first instance ₹ 62.49 lacs to comply with 25% of the tentative

premium within 30 days from the date of issue. The 30 days' period has expired. The petitioner, however, had made a representation dated 24.07.2015 against this demand. There is no response to the same thus far.

5. In order to enable the petitioner to pursue his remedy against the demand as aforesaid, the time to deposit is extended upto the date on which COCP-435-2015 is taken up for consideration i.e. 21.09.2015. The petitioner shall be entitled to seek an extension of time in COCP-435-2015.

6. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

31.08.2015
Amodh