

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22133 of 2013

Date of Decision:- 13.10.2015.

Nachhattar Singh and others

.....Petitioners

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 petitioners.

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

Mr. Shekhar Verma, Advocate for GMADA.

SURYA KANT, J. (ORAL)

1.) The short question that arises for consideration is whether the petitioner (Nachhattar Singh) is entitled to allotment of a residential or commercial site in lieu of the acquisition of property of his son Sarabjeet Singh, who unfortunately died in the year 1996?

2.) Some of the undisputed facts are to the following effect. Sarabjeet Singh (since deceased) and Amarjit Singh both are sons of Nachhattar Singh and Smt. Ranjit Kaur. The immoveable property of Sarabjeet Singh and Amarjit Singh situated within the revenue estate

of village Lambian was acquired vide award dated 22.2.1995.

3.) A Special Rehabilitation Policy was formulated by the Department of Housing and Urban Development on 1.6.2001 for rehabilitation of the original landowners/residents of village Lambian whose properties were acquired vide above stated award. Sarabjeet Singh as well as Amarjit Singh were entitled for allotment of a residential or commercial site in lieu of acquisition of their respective properties as per the said Policy.

4.) Sarabjeet Singh unfortunately died after acquisition of his property but before the policy was formulated or any allotment made.

5.) Amarjit Singh has been allotted a residential plot in lieu of the acquisition of his land/property.

6.) It further appears that a commercial booth site was allotted jointly to Smt. Ranjit Kaur, (mother of deceased Sarabjeet Singh) and Amarjit Singh (brother) being the legal representatives of deceased Sarabjeet Singh.

7.) Smt. Ranjit Kaur also passed away before the allotment letter could be issued.

8.) The first petitioner Nachhattar Singh (father), Amarjit Singh (brother), Kulwinder Kaur (sister) are the surviving legal representatives of deceased Sarabjeet Singh. Since the land/property of Sarabjeet Singh was admittedly acquired, we are of the considered view that his legal representatives are entitled to allotment of a residential or commercial site provided that no such

allotment has already been made in their favour.

9.) We, thus, dispose of this writ petition with a direction to the respondent-authorities to ascertain the correct facts and make the allotment in favour of legal representatives of deceased Sarabjeet Singh in accordance with law and as per the option exercised by them.

10.) The needful shall be done within a period of six months.

**(SURYA KANT)
JUDGE**

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

October 13, 2015.

sandeep sethi