

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.22317 of 2013

Date of Decision: September 14, 2015

Kiran Lata and others ...Petitioners

versus

State of Punjab and another Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE JASPAL SINGH.

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

Mr.Rajesh Bhardwaj, Additional AG, Punjab.

Mr.Sandeep Khungar, Advocate, and

Mr.R.S.Modi, Advocate, for respondent No.2.

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 land measuring 165 square yards owned by husband of petitioner No.1 and father of petitioner Nos.2 to 4 was acquired way back in the year 1974 for the development of '400 Acres Model Town Extension Part II Scheme' floated by the Ludhiana Improvement Trust. The possession of the acquired land was taken on 17.08.1982 and admittedly compensation was also paid. It is claimed that the predecessor-in-interest of the petitioners applied for allotment of a plot being "a local displaced person" on 26.11.1982. As no allotment was made, the instant writ petition has been filed in the year 2013.

It may be true that in some of the cases we condoned the delay subject to the caveat that the writ-petitioners if found entitled to and eligible for allotment, the

allotment shall be made on 'current market rate' so that no financial loss was caused to the Trust. In the instant case that analogy cannot be borrowed as the total acquired land itself is 165 square yards and before the allotment could be made, a new set of rules, namely, "the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983" came into force whereunder a 'local displaced person' was entitled to allotment of plot only if the acquired land was not less than 1/2 acre.

Taking into consideration the totality of circumstances coupled with the totally unexplained delay, we are not inclined to entertain this petition on merits.

Dismissed.

[SURYA KANT]
JUDGE

September 14, 2015
mohinder

[JASPAL SINGH]
JUDGE