

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.25577 of 2015
Date of Decision: December 07, 2015

Amarjeet SinghPetitioner
versus
Secretary, Local Government Department, Punjab and others
.....Respondents

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

Present: Ms.Priyanka Sud, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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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)

Notice of motion to the contesting respondents
only at this stage.

On our asking, Mr.Rajesh Bhardwaj, learned
Additional Advocate General, Punjab, accepts notice on their
behalf.

Let two copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to
passed, there is no necessity to seek any counter-reply from
the contesting respondents. The proforma respondent is also
not required to be served.

The petitioner is a Non-Resident-Indian. In the
instant writ petition filed through Special Power of Attorney,

he seeks a mandamus to direct the Town Improvement Trust, Hoshiarpur and the State Government to accord their necessary approval for sale of land measuring 109.28 square yards to him as the land adjoins his plot in Scheme No.11 of Hoshiarpur Improvement Trust.

Shorn of the details, 150 square yards plot was allotted to sister-in-law of the petitioner from whom he subsequently purchased the same. There is a piece of land measuring 109.28 square yards where no plot appears to have been carved out and is lying vacant. The petitioner's sister-in-law and thereafter he himself have been persuading the Trust Authorities to allot that land to him. He further avers that the Chairman of Trust sent a communication to the State Government for the grant of necessary approval. It further appears that the State Government is contemplating to formulate a policy hence no decision on the Trust's communication was taken. It is in these circumstances that the petitioner has approached this Court.

Having heard learned counsel for the petitioner though we are satisfied that no mandamus can be issued in favour of the petitioner for allotment of the said site however, the subject public-property is lying un-utilized and possibility of some encroachers having vulture's eyes on it cannot be ruled out. In these circumstances, it would be expedient and in public interest that the State Government and the Improvement Trust take some decision for the disposal of that land in accordance with law or their policy. This order, however shall not be construed as a direction that the subject piece of land be sold to the petitioner only.

Let an appropriate decision be taken within a period of four months from the date of receiving a certified copy of this order.

The petitioner has sought yet another relief regarding reimbursement of alleged illegal penalty imposed upon him due to delay in transfer of the plot in his favour. If such an issue has been raised by the petitioner before the Trust authorities, there shall be a separate direction to the Chairman of Trust to take an appropriate decision on the claim of the petitioner in accordance with law within the time-frame given above.

The writ petition stands disposed of accordingly.

Let a copy of this order be given dasti to Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, for information and necessary compliance.

[SURYA KANT]
JUDGE

December 07, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE