

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.26639 of 2015
Date of Decision: December 21, 2015

Amar Singh

....Petitioner

versus

State of Punjab and others

.....Respondents

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

Present: Mr.Jaideep Verma, Advocate, for the petitioner.

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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)

At the outset, the names of respondent Nos.3 & 4 are directed to be deleted from the arrays of respondents as neither they are proper nor necessary parties.

Registry is directed to carry out necessary correction in the memo of parties.

The petitioner seeks a mandamus to direct the Improvement Trust Ludhiana to allot him a residential plot under the 'Local Displaced Persons Scheme' in accordance with the Utilization and Allotment of Plots by Improvement Trust Rules, 1975.

The above-stated claim is founded upon the fact that the land of great-grand-father of the petitioner, namely, Maghi Singh, fully described in para No.3 of the writ petition, was acquired by the State of Punjab for its utilization by the Improvement Trust, Ludhiana, under the '475 Acres

Development Scheme' known as 'Shaheed Bhagat Singh Nagar'. It is claimed that the land of Maghi Singh was inherited by his four sons out of whom Banta Singh, who died issueless, executed a registered Will in favour of father of the petitioner and in this manner, after the death of his father the entire property is inherited by the petitioner and his mother. It is further claimed that in lieu of the acquired land, the petitioner or his predecessors-in-interest are entitled to allotment of a residential plot in terms of the Rules cited above.

Late Surjit Singh, father of the petitioner, said to have applied for allotment of such plot alongwith requisite earnest money but no decision was ever taken though after his death, the petitioner has been pursuing the cause vide representations dated 24.07.2004, 06.06.2006, 04.04.2014 and 14.12.2014. It is further claimed that similarly placed 'local displaced persons' approached this Court and pursuant to the direction issued for adjudication of their claim, the Trust-authorities have resolved to allot them plots vide orders dated 17.08.2015 (P-11 & P-12). The petitioner thus claims parity and seeks a mandamus for adjudication of his pending claim as well.

Having regard to the above-stated averments and the nature of relief sought by the petitioner but without expressing any views on merits of such claim but taking into consideration the fact that some old and obsolete claims are said to have been recently adjudicated by the trust-authorities, we dispose of this writ petition with a direction to respondent No.2 to decide the claim of the petitioner if any pending. This order, however, shall not be construed as if we have condoned the inordinate delay. It is further directed that if the

authorities decide to consider or accept the belated claim, the allotment shall be made only at the current allotment price and not at the old rates as already directed by this Court CWP No.11425 of 2015 (Joginder Singh versus State of Punjab and another) decided on 01.09.2015.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 21, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE