

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.26649 of 2015
Date of Decision: December 21, 2015

Bhupinder Kaur

....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 her 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 plea that the father-in-law of petitioner, namely. late Jawala Singh was owner of the land fully described in para No.3 of the writ petition. After the death of Jawala Singh, the said land was inherited by his four sons, which 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 further averred that father-in-law of the petitioner, namely, Jawala Singh had applied for allotment of a plot as 'local displaced person' on 15.05.1982 but his claim was not decided during his life-time. It is further averred that husband of the petitioner was the only son of Jawala Singh. Father-in-law of the petitioner died on 30.10.1997, whereas, her husband had passed away on 22.01.1986. On this premise, it is averred that entire estate of late Jawala Singh is inherited by the petitioner and her son.

The petitioner averred that similarly placed claimants, namely, the local displaced persons have 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-10 & P-11). The petitioner thus claims parity and seeks a mandamus for adjudication of her 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

CWP No.26649 of 2015

[3]

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