

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4379 of 2015

Date of Decision: 17.7.2015

Balwinder Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional Advocate General, Punjab.

Mr. Karanjit Singh, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot a plot to him being a 'local displaced person' in terms of the Amritsar Improvement Trust Land Disposal Rules, 1951.

2. The predecessors-in-interest of the petitioner were allotted land measuring 7 kanal 17 marlas in the area of abadi Dabgran, Circle Tungpai, Amritsar in lieu of their properties left by them in Pakistan vide sanad dated 24.3.1955 (Annexure P-1) issued by the Government of India, Ministry of Rehabilitation under Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954. The land in question was acquired by the respondents vide award dated 3.8.1978 (Annexure P-3) for the Truck Stand Scheme. The petitioner filed CWP No. 8296 of 2001 for restraining the respondents from asserting their rights over the land comprised in khasra Nos. 294 and 295 as the proceedings have lapsed in view of Sections 11A and 16 of the Land

Acquisition Act (Amendment), 1894. The said writ petition was disposed of by this Court vide order dated 4.11.2003 (Annexure P-5) with a direction that in case the petitioner files an application for apportionment within two weeks, the same shall be forwarded to the concerned court which would determine the entitlement of payment of compensation to the petitioner or any other person. In pursuance thereto, the petitioner moved an application dated 27.11.2003 (Annexure P-6) to the Land Acquisition Collector, Improvement Trust, Amritsar for payment of compensation and for allotment of a plot in LDP quota. Thereafter, the petitioner made various representations (Annexures P-7 to P-9 and P-11, respectively) to respondent No.2, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved various representations (Annexures P-7 to P-9 and P-11, respectively) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 18.12.2013 (Annexure P-11), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 17, 2015
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(REKHA MITTAL)
JUDGE