

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4454 of 2015

Date of Decision: 4.8.2015

Jasminder Singh

....Petitioner.

Versus

State of Punjab and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Mr. Bikramjit Aroua, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional Advocate General, Punjab.

Mr. Prem Kumar, 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 certiorari for quashing the auction notice dated 27.2.2015 (Annexure P-5) issued by respondent No.2 in Daily Punjab Kesari Newspaper dated 27.2.2015 for conducting an auction on 13.3.2015 qua plot No. E-249 measuring 300 square yards situated at Ajnala Road Expansion Scheme, Amritsar (in short "the Scheme") which was allotted in the name of late father of the petitioner vide letter dated 28.2.1992 (Annexure P-1). Further, a writ of mandamus has been sought directing the respondents to regularize the plot in question in the name of the petitioner being legal heir of allottee Shri Balbir Singh (deceased) being

the local displaced person and to pass a speaking order on the representation dated 3.3.2015 (Annexure P-6).

2. Respondent No.2 framed the Scheme on 24.4.1972 under Section 36 of the Punjab Town Improvement Act, 1922 (hereinafter referred to as "the Act") which was sanctioned by the State Government under Section 41 of the Act on 19.2.1973. The award was passed on 4.5.1974. The land of the father of the petitioner was acquired and the possession thereof was taken on 14.5.1980. The notices were issued inviting applications on the prescribed proforma for the allotment of plots from the local displaced persons. In pursuance thereto, the father of the petitioner made an application for allotment of plot being local displaced person along with an amount of ₹ 500/- vide receipt No. 12124. Plot No. E-249 was allotted to the father of the petitioner vide allotment letter dated 28.2.1992 (Annexure P-1) who deposited the requisite amount vide receipt dated 26.3.1992 (Annexure P-2 Colly). On finding some irregularities and infirmities, the State Government put the case of the father of the petitioner in the category of 35 cases vide letter dated 2.9.1995. Accordingly, respondent No.2 issued a show cause notice dated 29.3.1996 that on account of not taking part possession of the acquired land, the father of the petitioner could not be held entitled to the allotment of a plot. In response thereto, the reply was filed to the effect that the Land Acquisition Collector has paid the entire compensation of the land which was acquired by respondent No.2 and no land has been left with the father of the petitioner. Vide letter dated 16.12.1999, the State Government issued guidelines for deciding the cases of local displaced persons. In the present case, the officials of respondent No.2 also prepared agreement to sell after completing all the necessary

formalities and put up the same before respondent No.2 for his signatures which were not done due to stay of allotment by the State Government. The father of the petitioner executed a Will dated 20.7.1999 in favour of the petitioner which was got registered after his death which took place on 15.2.2000. Thereafter, the petitioner made a representation dated 25.5.2007 (Annexure P-4) to respondent No.2 along with all necessary documents for transfer of the plot in question in his name being legal heir of deceased Shri Balbir Singh. The Executive Officer sought objection through advertisement in Jagbani (Amritsar Bani) newspaper of dated 20.7.2010 and in Amritsar Kesri newspaper dated 20.7.2010 but no objections were received. Government of Punjab vide letters dated 5.3.2013 and dated 7.10.2013 wrote to respondent No.2 for initiating further proceedings at its own level subject to the rules and decision of the court, if any. The attorney of the petitioner made a detailed representation dated 4.12.2013 (Annexure P-4) to respondent No.2 for regularization of the plot in question. Respondent No.2 vide letter dated 6.2.2014 asked the Deputy Commissioner, Amritsar for issuing a certificate regarding verification of family members of Shri Balbir Singh, allottee of the plot in question who submitted report vide letter dated 13.5.2014. The plot in question was allotted to the father of the petitioner under the category of local displaced persons in the auction notice dated 27.2.2015 (Annexure P-5) in the Amritsar Kesri News paper. Thereafter, the petitioner submitted a representation dated 3.3.2015 (Annexure P-6) to respondent No.2 for the allotment of plot in question, 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 have moved a representation dated 3.3.2015 (Annexure P-6) 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 decide the representation dated 3.3.2015 (Annexure P-6), 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

August 4, 2015
gbs

(SHEKHER DHAWAN)
JUDGE