

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6145 of 2015

Date of Decision: 1.4.2015

Jaswinder 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. Mansur Ali, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for holding the action of the respondents for charging ₹ 5,02,294/- in pursuance of the allotment letter dated 5.5.2014 (Annexure P-8) to be illegal as the same would have been at least 50% of the 'General Category' allotment as per the allotment letter dated 23.1.2002 (Annexure P-9) and the policies dated 4.1.2010 (Annexure P-14), dated 3.2.2010 (Annexure P-15) and dated 16.10.2001 (Annexure P-16). Further, a direction has been sought to the respondents to charge 50% of the price as per allotment letter dated 23.1.2002 (Annexure P-9) which was given to the 'General Category' candidates and to consider the case of the petitioner under the victims category.

2. The petitioner is a '1984 Anti-Sikh Riot' victims. He filed a

joint CWP No. 2243 of 2003 (Amarjit Singh and others v. State of Punjab and others) in this Court claiming that they were entitled for allotment of booth sites being 1984 Riot Victims on the basis of policy dated 12.1.1987 (Annexure P-2). The petitioner had built up a mini booth in Phase XI, Sector 65, SAS Nagar, Mohali and as per the policies, the Sikh Migrants were required to be allotted shops as per the Urban Estate, Punjab Chandigarh's communication dated 5.5.1987 (Annexure P-3). However, the petitioner was left out and the similarly situated persons were allotted the booth sites. This Court vide order dated 4.8.2006 (Annexure P-4) disposed of CWP No. 2243 of 2003 with a direction to the Deputy Commissioner, Mohali to look into the representations to be filed by the petitioners therein and to take appropriate action thereon. In pursuance thereto, the Deputy Commissioner-respondent No.2 vide order dated 5.6.2007 (Annexure P-6) transferred the said representations to respondent No.3 to decide the same who passed the order dated 31.3.2010 (Annexure P-7). Since the status of the petitioner was not clear, the authorities conducted an enquiry and found the petitioner to be genuine Riot Victim. Now, the petitioner has been made allotment vide letter dated 5.5.2014 (Annexure P-8) at the rate of ₹ 5,02,294/-, whereas the same had to be at least at 50% of 'General Category' allotment. The 'General Category' allotment of the same site was made for ₹ 77,800/- as per allotment letter dated 23.1.2002 (Annexure P-9). Thereafter, the petitioner and the other similarly situated persons filed CWP No. 385 of 2012 (Gurdeep Singh and others v. State of Punjab and others) which was disposed of by this Court vide order dated 20.1.2011 (Annexure P-10). The petitioner has paid 25% of the amount and taken the possession. In pursuance to the

order, Annexure P-10, the respondents passed an order dated 21.3.2011 (Annexure P-10/A) intimating the allottee price to the petitioner and others. The policy dated 20.4.2001 (Annexure P-11) with regard to 50% allotment of the last auction price was taken out in the year 2001 with the intent that the same would continue. Subsidy was given on the booth allotments to GMADA/PUDA as per letters dated 7.12.2001 and 25.5.2009 (Annexure P-12 Colly). The rate was fixed by the Government of Punjab as per policies, Annexures P-14 to P-16, respectively. As per the allotment letter dated 29.12.2008 (Annexure P-17) which was auctioned in open category and even if 50% of the auction price is taken, the same would be far less than which the GMADA is charging from the petitioner. As per policy dated 14.9.2001 (Annexure P-18), 1991-92 rates are to be charged in case of allotment of booths and repayment is allowed to be made in 25 years without any interest clause. Hence, the present writ petition.

3. The petitioner has three fold grievances against the aforestated offer. Firstly, he urged that the allotments were required to be made at the rate as it was in the year 1993-94 when he was discriminately left out. Secondly, the Government Policies do not prescribe imposition of interest on the installments to be payable by the victims of Anti-Sikh Riots. Thirdly, the price determined by GMADA is not as per the Government policies as the element of profit has been added.

4. We have heard learned counsel for the petitioner at some length and gone through the record.

5. Since the primary contention of the petitioner revolves around the alleged breach of Government policies by GMADA, and as prayed for by the learned counsel, we deem it appropriate to dispose of

this writ petition with a direction to the Principal Secretary, Department of Home Affairs and Justice, Punjab, to treat this writ petition as a representation on behalf of the petitioner and dispose of the same by passing a speaking order as early as possible and preferably within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

April 1, 2015
gbs

(REKHA MITTAL)
JUDGE