

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 7433 of 2014. [O&M]
Date of Decision: 15th December, 2015.

Baljit Singh
Versus
Petitioner through
Mr. Deepak Sharma, Advocate

State of Punjab & Ors.
Respondents through
Mr. Balwinder Singh, Advocate, for
GMADA

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

- 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]

The petitioner has laid challenge to the communication dated 29.11.2013 [P-7] whereby his application for allotment of a plot in the "oustees' quota" has been turned down on the plea that he did not apply when applications were invited between 25.05.2011 to 25.11.2011.

[2]. The petitioner's case is that land measuring 30 kanals 10 marlas in which he had 1/3rd share, namely, 10 kanals 3½ Marlas, particulars whereof are given in Para No. 2 of the writ petition, was acquired for development of Sector 76-80 in the Urban Estate of SAS Nagar, Mohali vide Awards No. 480 and 481 dated 17.05.2001. He thus falls in the 'oustee's category' as defined in the policy circulars issued by the respondents from time to time including dated 25.05.2011 and 08.05.2013 [P-3 and P-4]. He applied for allotment of a residential plot as per his eligibility under the above stated policies

but the same has been turned down for the reasons already noticed in the opening paragraph of this order.

[3]. The respondents have filed their written statement reiterating their above mentioned stand. In addition, it is urged by Mr. Balwinder Singh, learned counsel for GMADA that the petitioner was required to apply along with an oustee's certificate issued by the Competent Authority but no such certificate has been produced by him till date.

[4]. We have heard learned counsel for the parties and gone through the record.

[5]. The respondents have turned down the petitioner's claim on the solitary ground that he did not apply when applications were invited by a particular date. The non-submission of application by the petitioner at one point of time, in our considered view, did not take away his entitlement for the allotment of plot in the oustee's category if he is otherwise eligible for such allotment under the policies. The non-submission of application in response to the previous advertisement[s] has its own consequences, like rate of allotment but it can not eliminate the petitioner from the zone of consideration.

[6]. The other objection of the respondents that the petitioner is required to produce oustee's certificate issued by the Collector, must sustain. The petitioner's eligibility for allotment or his entitlement to a particular size of plot can be determined only on the basis of that certificate. Since no such certificate has been produced by him so far, the non-consideration of his claim by the authorities can not be faulted with.

[7]. Faced with this, learned counsel for the petitioner submits that the petitioner has applied for issuance of oustee's certificate on 15.07.2013 but the same has not been issued by the Collector, Mohali though more than two years have passed. If that is so, we direct the Deputy Commissioner-cum-Collector, Mohali to verify the facts regarding acquisition of the petitioner's land, and if found eligible, let the oustees certificate be issued to him within two months.

[8]. On receipt of such certificate, the petitioner may submit his application for allotment of plot which shall be considered by the GMADA in accordance with the government policies, within a period of three months from the date of its submissions.

[9]. Disposed of. Dasti.

(SURYA KANT)
JUDGE

December 15, 2015.
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(P.B.BAJANTHRI)
JUDGE