

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 202

Date of Decision: *September 02, 2015*

1.

Civil Writ Petition No.8458 of 2014

Kapil Kumar

..... PETITIONER(S)

VERSUS

State of Punjab & another

..... RESPONDENT(S)

...

2.

Civil Writ Petition No.10834 of 2014

Nirmala Devi & others

..... PETITIONER(S)

VERSUS

State of Punjab & another

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE SURYA KANT**
HON'BLE MR. JUSTICE JASPAL SINGH

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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?

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PRESENT: - Mr. S.S. Salar, Advocate and Mr. Jaideep
Verma, Advocate, for the petitioner(s).

Mr. Rajesh Bhardwaj, Additional Advocate
General, Punjab.

Mr. M.C. Berry, Advocate, for respondent
No.2 in CWP No.8458 of 2014.

Mr. G.S. Attariwala, Advocate, for respondent
No.2 in CWP No.10834 of 2014.

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Surya Kant, J (Oral)

1. This order shall dispose of CWP No.8458 of 2014 and CWP No.10834 of 2014 as the point in issue involved in both the cases is whether the petitioners are entitled to allotment of residential plots at the rate of the year 2012 or 2013-14?

2. The facts are extracted from CWP No.8458 of 2014.

3. In this second round of litigation, the petitioner assails the allotment letter dated 3.3.2014 (P-4) to the extent of rate of allotment as he has been offered allotment of plot No.36F measuring 300 square yards in 'Maharishi Balmik Nagar Development Scheme' as a 'local displaced person' at the reserved price of ₹ 20,700/- per square yards.

4. The petitioner had earlier approached this Court in CWP No.5973 of 2010 against denial of allotment of plot in the category of Local Displaced Persons and his writ petition was allowed vide order dated 13.12.2012 to the extent that the order rejecting his claim was set aside and Improvement Trust, Ludhiana was directed to reconsider his allotment claim "at the current allotment price".

5. On such reconsideration, the petitioner's claim was found well merited and he has been offered allotment vide Letter dated 3.3.2014 but at the reserve price of ₹ 20,700/- per square yards.

6. In the connected case, this Court vide order dated 11.6.1997 passed in CWP No.8443 of 1997 directed the Trust to consider the claim of allotment under the same Scheme and pursuant to those directions, a speaking order was passed on 13.6.2012 accepting the writ petitioners' claim in principle, though allotment was finally offered on 1.4.2014.

7. We have heard learned counsel for the parties and gone through the record.

8. A brief reference to the fact situation reveals that the Development Scheme was floated way back in the year 1975-76 and the acquisition of land was finalized in the year 1979. The affected land owners are classified as the 'Local Displaced Persons'. The Trust has formulated Ludhiana Improvement Trust Land Disposal Rules, 1964 followed by 1975 Rules whereunder the Local Displaced Persons are entitled to allotment of plots. Those claims, for various reasons, could not be considered or timely settled until this Court intervened vide order dated 25.4.2001. The Trust thereafter considered the claims of Local Displaced Persons in phases and finally the claim of petitioner(s) were also accepted, as briefly noticed above.

9. It is in this backdrop that the question formulated at the outset arises for consideration.

10. It may be true that the petitioners cannot be offered allotment at the rate prevalent when the Scheme was floated or in the year 2001 when reconsideration process revived. At the same

time, it appears unfair, unjust and iniquitous to say that even after acceptance of their claim in principle, the ministerial exercise which delayed the actual allotment should work to the disadvantage of petitioners. The equities thus can be thus well balanced by offering allotment to the petitioners at the rate/reserved price as it was prevailing in the year 2012 when the writ petition of petitioner(s) in the first case was allowed or a speaking order accepting the claim of writ petitioner(s) in the second case was passed.

11. For the reasons aforestated, we allow these writ petitions in part and direct the respondent – Trust to modify the allotment letters of the petitioner(s) and offer them allotment @ rate/reserved price as was prevailing in the year 2012. If the petitioners have deposited any amount in excess, the same may be adjusted against future installments and/or be refunded to them within a period of three months.

(Surya Kant)
Judge

(Jaspal Singh)
Judge

September 02, 2015
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