

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.9075 of 2014

Date of decision:17.11.2015

Chindo

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Manish Dadwal, Advocate for the petitioner.

Mr. N.D.S. Mann, Additional A.G. Punjab
for respondents No.1 and 2.

Ms. Deepali Puri, Advocate
for respondent No.3.

HEMANT GUPTA, J.(Oral)

The land of the petitioner was acquired vide notification dated 10/14.07.1995 under Section 36 of the Punjab Improvement Trust Act, 1922 in respect of an area measuring 24.83 hectares situated in village Purhian and Sutheri. The Land Acquisition Collector announced award on 11.07.1997.

The grievance of the petitioner is that the petitioner is the one whose land was acquired, therefore, she as a local displaced person is entitled to allotment of a plot in terms of Utilisation of Land and Allotment of Plots Rules, 1983.

When the writ petition came up for hearing on 17.08.2015, learned counsel for respondent No.3-Improvement Trust sought some time

to find out as to whether any public notice was issued inviting applications from local displaced persons for allotment of plots as a part of rehabilitation process. Ms. Deepali Puri, Advocate, appearing for respondent No.3-Improvement Trust stated that no such public notice has been issued.

The process of allotment of plots to local displaced persons has been examined by this Court in CWP No.2557 of 1997 titled Tarlochan Singh v. State of Punjab and another, decided on 06.10.2014, wherein it has been held that the plots can be allotted only after inviting applications after issuance of public advertisement.

Since no such public advertisement has been issued, therefore, the petitioner cannot claim allotment of a plot without giving opportunity to all similarly situated local displaced persons to apply and to be considered for allotment of plots.

In view thereof, the present writ petition is disposed of with direction to the respondents to consider the allotment of plots meant for the local displaced persons in accordance with law. The respondents shall make earnest efforts to frame a policy for allotment of plots to local displaced persons expeditiously.

(HEMANT GUPTA)
JUDGE

NOVEMBER 17, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE