

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

**CWP No.8773 of 2015
Date of decision: 03.08.2015**

Joginder Singh and another

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

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

Present: Mr. S.S.Salar, Advocate for the petitioners.

Ajay Kumar Mittal,J.

1. The petitioners seek quashing of the order dated 11.12.2014, Annexure P.5 passed by respondent No.2 – the Improvement Trust, Ludhiana, rejecting their claim for allotment of plot in lieu of their land acquired. Further prayer has been made for directing respondent No.2 to either exempt the land of the petitioners from acquisition as there is a house existing thereon and no compensation has been given to them or a plot not less than 310 square yards be allotted to them in lieu of the land acquired measuring 17 marlas.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. Late Bir Singh was owner of the land measuring 92 kanals 10 marlas in the area of Village Sunet, Tehsil and District Ludhiana. The Improvement Trust, Ludhiana framed a 550 acres development scheme known as 'Bhai Randhir Singh Nagar Development Scheme'. Notice under Section 36 of the Punjab Town Improvement Act, 1922 (in short, "the Act") was issued in the year 1971 and under Section 42 of the Act, notification was issued in the year 1973. The award was passed on 19.4.1974. The Trust acquired aforesaid land for the development scheme as mentioned above. The possession of the entire land was taken except 500 square yards on which house of late Bir Singh (17 marlas) was constructed as no compensation qua the said land was given by the trust. Later on, the Trust started persuading the petitioners to deliver possession of the land beneath the house. In order to overcome the controversy, a sub committee was constituted by the Trust to resolve the issue. In various rounds of meetings, the sub committee required the petitioners to submit an affidavit that they will receive the compensation as per the award and deliver the possession and they will apply for allotment of a plot as Local displaced person (LDP). The petitioners did not agree but they were ready to deliver possession of 500 square yards land covered by their house and in lieu of that, they prayed for allotment of plot measuring 250 to 500 square yards. Accordingly, case of the petitioners was sent for approval to the government vide letter dated 20.5.2004. Vide letter dated 24.1.2007, Annexure P.2, the Government observed that the Trust had failed to retrieve possession of 1100 square yards though acquisition proceedings

had been completed long back. It was further observed that the resolution dated 6.2.2001, Annexure P.1 by the Trust was in the nature of compromise proceedings in which the land owner was to deliver vacant possession of the land except 310 square yards land which was to be allotted to the petitioners as a case of Local displaced person subject to charging exemption fees and development charges as per rules. Thereafter, case for allotment of some plot was put up by the Executive officer before the Trust. However, no decision was taken. The petitioners filed CWP No.7138 of 2013 which was disposed of vide order dated 7.5.2013, Annexure P.4, directing the Trust to take a decision in the matter. When no decision was taken, COCP No.113 of 2014 was filed. During the pendency of that petition, order dated 11.12.2014, Annexure P.5 was passed by the respondent authorities rejecting the case of the petitioners. Hence the instant writ petition.

3. We have heard learned counsel for the petitioners.

4. A perusal of the order dated 11.12.2014, Annexure P.5 passed by the Chairman, Punjab Town Improvement Trust, Ludhiana shows that the petitioners had already been allotted Plot No.520-F measuring 500 square yards in 475 acres (Shaheed Bhagat Singh Nagar Scheme) as Local Displaced person. As per Rule 5(ii) of Ludhiana Improvement Trust Disposal Rules, 1964, not more than one plot could be allotted as LDP. Consequently, their claim was rejected. The relevant part of the order dated 11.12.2014, Annexure P.5 reads thus:-

“But Joginder Singh and Shri Shamsheer Singh sons of Shri Bir Singh have already been allotted Plot No.520-F measuring 500 square yards in 475 acres (Shaheed Bhagat Singh Nagar

Scheme) as LDP. According to rules only one LDP plot could be allotted. According to Rule 5(ii) of Ludhiana Improvement Trust Disposal Rules 1964 not more than one plot could be allotted as LDP. According to Rule 7(2) of Punjab Town Improvement Trust (Utilization of land and Allotment of Plots) Rules 1975, the maximum area of the plot allotted as LDP can only be 500 square yards. According to Punjab Town Improvement (Utilization of land and allotment of plots) Rules 1983, the applicant has to submit an affidavit to the effect that he or a spouse does not have any residential house in the trust area. For this reason therefore no plot can be given to Shri Joginder Singh and Shamsheer Singh as LDP.”

5. Learned counsel for the petitioners was unable to produce any material to substantiate the claim made in the writ petition. Consequently, we do not find any error in the impugned order dated 11.12.2014 passed by the respondent authorities. With regard to claim of non payment of compensation, it shall be open to the petitioners to approach the respondent authorities by filing a representation in accordance with law.

6. In view of the above, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

August 03, 2015

(Shekhar Dhawan)
Judge

‘gs’