

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9464 of 2015

Date of Decision: 14.5.2015

Surinder Kumar

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Balram Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of certiorari for quashing the resolution dated 13.10.2006 (Annexure P-10) passed by respondents No.2 and 3. Further, a writ of mandamus has been sought directing the respondents to allot a plot to petitioner under the Punjab Town Improvement Trust (Utilization of Land and Allotment of Plots) Rules, 1983 (in short "the Rules") being a local displaced person on initial reserve sale price under 94.5 Acre Scheme known as Guru Gobind Singh Avenue, Jalandhar (hereinafter referred to as "the Scheme").

2. The petitioner was owner of the land measuring 21 kanal 11 marlas bearing khasra Nos. 9550, 9551 and 9557 in Tehsil Jalandhar, District Jalandhar. The respondents acquired the land of the petitioner to develop a residential colony in the name of Guru Gobind Singh

Avenue under the Scheme. The petitioner was paid compensation as well as enhanced compensation for the land acquired. As per Rules, the petitioner was a local displaced person and he was to be allotted a plot on reserve sale price subject to his applying for such allotment in Form-A within a period of three years from the date of taking over the possession of the land acquired by the Improvement Trust. The petitioner applied for the allotment of a plot as local displaced person under the Scheme situated in Lamapind, Bye Pass, Jalandhar vide application dated 1.1.1998 (Annexure P-3) along with Form A (Annexure P-4) and pay order of ₹ 1000/-. As directed by respondent No.2, the petitioner vide letter dated 4.8.1999 (Annexure P-5) submitted the fard of the property owned by him. Respondent No.3 vide letter dated 9.1.2002 asked the petitioner to produce the evidence to show that he had purchased the land two years prior to 29.10.1993. The said letter was replied by the petitioner vide letter dated 16.1.2002 (Annexure P-7) showing that the land acquired under the Scheme was in his ownership. The petitioner got a copy of the resolution dated 24.8.2005 (Annexure P-8) under Right to Information Act, 2005 wherein his name has been shown at Sr. No.3 as eligible person for allotment of a plot of 300 square yards. The Government vide guidelines dated 19.5.2006 (Annexure P-9) directed all the Improvement Trusts in the State to dispose of all the pending applications received under the local displaced person category and sent a certificate to this effect to the Government by 5th July, 2006. In pursuance thereto, the Improvement Trust, Jalandhar hold a meeting and passed a resolution dated 13.10.2006 (Annexure P-10) wherein the petitioner was not found eligible for the allotment of a plot under the category of local displaced person. Thereafter, the petitioner sent a legal

notice dated 5.3.2014 (Annexure P-16) to the respondents for the allotment of a plot under the category of local displaced persons, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 5.3.2014 (Annexure P-16) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the legal notice dated 5.3.2014 (Annexure P-16), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 14, 2015
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(REKHA MITTAL)
JUDGE