

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9906 of 2015

Date of Decision: 18.5.2015

Satinder Pal Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. V.K. Sandhir, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has invoked the writ jurisdiction of this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to allot a proper shop to him in open plaza outside the Golden Temple, Amritsar, as per the public notice dated 20.2.2015 (Annexure P-2) as allotted to the similarly situated persons who are also being ousted from the existing shops on the left and right side of Ghanta Ghar Market of Golden Temple as the shop allotted to the petitioner vide allotment letter dated 17.3.2015 (Annexure P-4) is not a shop (either in rectangle or square shape).

2. In the year 1971, the shop situated in front of Golden Temple Bazar Sodhian was acquired by the respondents and later on was demolished by the Amritsar Improvement Trust (in short "the Trust") to widen Chowk Ghanta Ghar under Ghanta Ghar Area Development

Scheme (hereinafter referred to as “the Scheme”). The acquisition was challenged before the appropriate authority and ultimately the issue went to the Supreme Court. During the pendency of the matter before the Apex Court, the Chairman of the Trust had given an undertaken and assurance for the allotment of pacca shops to the shopkeepers and other displaced persons from the Scheme. In pursuance thereto, the obliterate shopkeepers were rehabilitated in the Ahata Bishan Dass Chowk, Ghanta Ghar Market in the year 1972 by allotting 48 shows with the assurance to finally transfer the ownership on hire/purchase basis. The grandfather of the petitioner was allotted shop No.12. The other shopkeepers occupied the shops in the said market. The petitioner along with other shopkeepers suffered their business due to allotment of shops. Thereafter, in the year 1988, another scheme, namely, GTB Project was introduced in which 16 shops of the Trust were sought to be acquired vide notification dated 2.6.1988 which was later on withdrawn vide notification dated 29.7.1988 on the objections being raised by the petitioner and other shopkeepers. Again in the year 1995, the Government vide notification dated 27.10.1995 issued under Sections 4 and 17(1) of the Land Acquisition Act, 1894 (for brevity “the Act”) proposed to acquire the whole market including the shop of the petitioner and on the objections being raised by raised by the shopkeepers, the said notification was withdrawn vide notification dated 15.10.1996. Thereafter, in the year 2005, the Government vide notification dated 22.3.2005 (Annexure P-1) acquired the premises/shops of 47 shopkeepers for the public purpose, namely, new public street, public parking places around the Golden Temple Complex. However, there was no proposal or acquisition for construction of shops or plaza/open

plaza. After the acquisition, the same is being constructed as an open place and small offices for tourism purpose which are not being allotted as shops forcing the petitioner and other shopkeepers to shift to that open plaza vacating their shops from Ghanta Ghar, Shri Harmandar Sahib. Some of the shopkeepers challenged the said acquisition by way of CWP No. 19001 of 2005 which was withdrawn with liberty to pursue the objections and the Land Acquisition Collector was directed to decide their representation by passing a speaking order. The award was passed on 13.1.2006 in respect of the acquired shops. Respondent No.3 constructed shops and issued a public notice dated 20.2.2015 (Annexure P-2) calling upon the shopkeepers to apply for the allotment of shops in open plaza with the condition to vacate the same. The petitioner was offered shop No.14 by respondent No.3 vide letter dated 7.3.2015 (Annexure P-3) and was allotted shop No.14 vide letter dated 17.3.2015 (Annexure P-4). The shop in question was neither rectangle nor square, rather it has two doors and from one end to another in breadth wise has depth ranging from three feet to five feet. The breadth of the shop is about 12 feet and the depth is ranging from 5 to 3 feet. Both the ends have rectangle. The petitioner made a representation dated 15.4.2015 (Annexure P-6) to respondent No.3 for the allotment of proper shop, but to no effect. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 15.4.2015 (Annexure P-6) to respondent No.3, 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.3 to take a decision on the representation dated 15.4.2015 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 18, 2015
gbs

(REKHA MITTAL)
JUDGE