

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

Regular Second Appeal No.1977 of 2010 (O&M)

Date of decision: 24.4.2015

Amritsar Improvement Trust, Ranjit Avenue, Amritsar

... Appellant

Versus

Jatinder Pal Singh and another

... Respondents

II.

Regular Second Appeal No.1978 of 2010 (O&M)

Amritsar Improvement Trust, Ranjit Avenue, Amritsar

... Appellant

Versus

Kanwaljit Kaur and another

... Respondents

III.

Regular Second Appeal No.1979 of 2010 (O&M)

Amritsar Improvement Trust, Ranjit Avenue, Amritsar

... Appellant

Versus

Amarjit Singh

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Karanjit Singh, Advocate,
for the appellant.

Mr.Akshay Bhan, Sr.Advocate with
Mr.Santosh Sharma, Advocate,
for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

CM No.3976-C-2015

For the reasons stated in the application, CM is allowed and order dated 30.3.2015 is recalled.

RSA No.1977 of 2010 (O&M)

The matter is taken up on board for final disposal since the point involved is short and covered by the Full Bench decision of this Court in **Jarnail Singh and others v. State of Punjab and others**, 2011 (1) RCR (Civil) 915.

Of all the 6 directions issued by the Full Bench of this Court, the 3rd one is relevant to this case. The same reads : -

“3. A co-owner, as per the eligibility criteria fixed by the State Government, shall be entitled to be considered for allotment of plot irrespective of the fact that his holding of land is joint with other co-owner;”

Resultantly, where the eligibility criteria and size of the land acquired by the Improvement Trust is sufficient for multiple allotment, the plots would be allotted to co-sharers irrespective of the fact that the holding is in the joint *khata* with other co-owners.

In the present case, the plot was allotted but was sought to be withdrawn on misinterpretation and misapplication of the law. Both the Courts have returned concurrent findings of fact in favour of the respondent

against which Amritsar Improvement Trust, Amritsar is in second appeal. In the face of the Full Bench decision and orders passed thereafter in other writ petitions including **Smt.Poonam Sharma v. State of Punjab and another;** CWP No.11518 of 2010 decided on 2.5.2012, it is not possible for Mr.Karanjit Singh appearing for the Trust to come out of the teeth of the Full Bench decision and, therefore, it appears to serve no useful purpose that the request of the learned counsel for the Trust should be accepted that the matter be posted to some other day for hearing him upon a question already settled and which is no longer *res integra*.

Resultantly, all the three appeals fail and are dismissed.

(RAJIV NARAIN RAINA)
JUDGE

April 24, 2015

Paritosh Kumar