

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 16728 of 1994. [O&M]
Date of Decision: 12th January, 2016.

Shri Guru Nanak Automobile Mechanics Association
Petitioner through
Mr. Parveen Jain, Advocate

Versus

State of Punjab & Ors. Respondents through
Mr. K.K. Gupta, Additional AG, Punjab.
Mr. Sandeep Khunger, Advocate
for Amritsar Improvement Trust.

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

The petitioner is an Association of Automobile Mechanics, whose members are carrying on their avocation of repairing Trucks and Automobiles etc. on different plots in Jahajgarh Area, Amritsar where the Truck Stand Scheme has been developed by the Amritsar Improvement Trust. Since they were being uprooted from the Work-Places, the instant writ petition was filed seeking a *mandamus* to direct the Trust to accommodate them in the newly developed Auto Market. This Court stayed their dispossession on 23.11.1994 and thereafter the matter was taken up from time to time for the purpose of exploring the possibility of allotment of alternative sites to them.

[2]. It is in continuation of such orders that on 23.09.2014, the following order was passed:-

*“Present: Mr. D.S.Bali, Senior Advocate, with Mr. Amrinder Vir Singh, Advocate, for the petitioner.
Mr. P.S.Bajwa, Addl. AG, Punjab, for respondent No.1.
Mr. Sandeep Khunger, Advocate, for respondent Nos.2 & 3.*

The claim of the petitioner is for plot meant for motor mechanics under Development Scheme No.157 approved vide Resolution No.32 on 11.05.1974. However, the relevant information for the purposes of present writ petition is not available. Mr. Sandeep Khunger to produce the following information:

- (i) Development Scheme No.157 approved vide Resolution No.32 dated 11.05.1974;*
- (ii) How many plots were allotted to the rehabilitate kabaris with the date of allotment; &*
- (iii) Allotment of remaining plots, if any, by auction or otherwise and the date thereof”.*

[3]. Thereafter, the matter was taken up on 01.10.2014 and was adjourned with the following observations:-

“Mr. Khungar has filed an affidavit of the Chairman of the Trust. Along with affidavit, the Truck Stand Scheme has also been appended. A perusal of Part III of the Scheme pertaining to reservation and designation of land use reveals that no land in the area shall be used for any other purposes inconsistent with the Scheme even though such use does not involve erection of the building. In the light of such condition, Mr. Khunger seeks some time to know as to how the plots in the Truck Stand Scheme has been allotted to Kabaris and not to Motor Mechanics”.

[4]. On 21.01.2015, the proposal put up by the Improvement Trust was considered and the following order was passed:-

*“It is proposed that the vacant booths and shops can be offered to the petitioner by way of restricted auction after getting the approval from the Local Government.
In view of the affidavit filed, we defer the hearing of the present writ petition to 23.03.2015.
In the meantime, the Improvement Trust and the State Government shall take consequential steps pursuant to the affidavit filed”.*

[5]. Pursuant there to, the Improvement Trust has passed a

resolution dated 06.04.2015 recommending allotment of Booths and Shops to the members of the petitioner Association by way of 'restricted auction'. The matter is, however, still under consideration of the Local Government Department, Punjab.

[6]. In this view of the matter, we dispose of this writ petition with a direction to the State Government through its Local Government Department to consider the resolution dated 06.04.2015 passed by the Improvement Trust, Amritsar and accord necessary approval save that there is no legal impediment. The needful shall be done within two months from the date a certified copy of this order is supplied. As soon as the permission is accorded, the Improvement Trust shall hold restricted auction within three months thereafter.

[7]. Disposed of. Dasti.

(**SURYA KANT**)
JUDGE

January 12, 2016.
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(**P.B.BAJANTHRI**)
JUDGE