

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16835 of 1994 (O&M)

Date of Decision: 24.10.2016

Major Navtaj Singh

..Petitioner

Vs.

UT Chandigarh and others

..Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: None for the petitioner.

Mr.Suvir Sehgal, Sr.Standing counsel with
Mr.Vishal Sodhi, Advocate for respondent-UT Chandigarh.

SURYA KANT, J.

The petitioner seeks a direction for allotment of residential and commercial plot being an oustee as his land was acquired by UT Administration. The above-stated claim of the petitioner is based upon the notification dated 15.11.1972 issued by Chandigarh Administration for allotment of sites on lease hold basis to the 'oustees' of Chandigarh.

The only defence taken by the respondents is that the said Government Policy does not apply in petitioner's case whose land was situated in village Mani Majra as the said Policy is applicable only in respect of acquisition of land "for the second phase of Chandigarh City".

In our considered view, the Chandigarh Administration cannot have different sets of Policies or yardsticks to deal with the ex-appropriated owners, whose lands have been acquired by it for one or the other public purpose.

Since the petitioner is admittedly an 'oustees' and his land was acquired by Chandigarh Administration, we see no reason for not extending the benefit of a beneficial Policy like Annexure P-4 to him, more so when there is no other Policy brought on record by the respondents under which the similar claim of oustees of village Mani Majra can be considered or effectively redressed. The petitioner approached this Court way back in the year 1994. He is awaiting allotment for the last more than 22 years.

Learned Sr.Standing Counsel for UT Chandigarh submits that there is a subsequent Policy under which claim of the 'oustees' like petitioner can be considered provided that he has obtained an 'oustees certificate' and applied for such allotment as and when such sites are advertised.

It appears to us that the above-mentioned later Policy decision being prospective in operation, cannot deny the petitioner the benefit of 1972 Policy, if the older Policy is more beneficial to him. However, if the later Policy, referred to by the respondents without placing it on record is more beneficial, the petitioner shall be at liberty to seek the benefit of allotment(s) thereunder.

The writ petition is accordingly allowed with a direction that if the petitioner does not apply under the new Policy stated to have been formulated by the respondents within a period of two months, let his claim

as an `oustee' for allotment of site (s) be considered under the 1972 Policy
(Annexure P-4) within three months thereafter.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

24.10.2016
Meenu

Whether speaking/reasoned	-	Yes/No
Whether Reportable	-	Yes/No