

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

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**Civil Writ Petition No.10883 of 2015
Date of Decision: September 28, 2016**

Daljit Singh

....Petitioner

versus

State of Punjab and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN***

Present: Mr. Naresh Kaushal, Advocate
for the petitioner.

Mr. Rajinder Goyal, Addl. A.G., Punjab.

Mr. Naresh Prabhakar, Advocate
for respondents No.2 & 3.

AJAY KUMAR MITTAL, J. (Oral)

1. The petitioner, feeling aggrieved by inaction of the respondents for not allotting the plot under oustee policy, has approached this Court under Articles 226/227 of the Constitution of India seeking a writ in the nature of certiorari quashing the orders dated 17.05.2013 and 26.03.2015 (**Annexures P-14 & P-16** respectively) passed by respondents No.2 and 3 being in violation of the order dated 26.02.2013 (Annexure P-13) passed by this Court coupled with the policy dated 25.05.2011 (Annexure P-10) and 26.09.1994 (Annexure P-9) and contrary to the law laid down in the case of **Deepak vs. State of Punjab** in **CWP No.16267 of 2014** decided on **15.01.2015 (Annexure P-17)**.

2. Notice of motion was issued on May 27, 2015. In response thereto, short reply by way of an affidavit of Smt. Amarbir Kaur Bhullar, Estate Officer, Greater Mohali Area Development Authority, PUDA, SAS Nagar on behalf of respondent Nos. 2 & 3 has been filed wherein in Para No.5, it has been stated thus:-

“That however, now the petitioner is claiming the allotment of a 500 sq. yards plot on the basis of two oustee certificates issued to his father Sh. Partap Singh on 08.09.2007 and 28.11.2013 respectively in lieu of his land acquired by the State vide Award No.481 dated 17.05.2001 for the setting up of Sector 76-80, SAS Nagar. Accordingly, the issue has been reconsidered in the light of Oustee Certificates issued by the Naib Tehsildar, O/o Land Acquisition Collector, Urban Development, SAS Nagar to the father of petitioner namely Partap Singh s/o Sh. Basawa Singh, regarding his land acquired vide Award No.481 dated 17.05.2001, when it has been found that total land measuring 40 kanal-17.96 marlas owned by Partap Singh was acquired for the setting up of Urban Estate at SAS Nagar and as such according to Oustee Policy dated 26.09.1994, applicable at the relevant time, the said land owner Partap Singh is eligible for the allotment of a residential plot of 500 sq. yards. However, since father of the petitioner had already died on 22.02.2008, as such before making allotment, vide office letter no.42945 dated 12.09.2016 the petitioner has been asked to complete the required formalities within 30 days of the issue of this letter. A copy of this letter dated 12.09.2016 is annexed herewith as Annexure R-3/1.”

3. It has been categorically accepted by the respondents that according to the Oustee Policy, applicable at the relevant time, the father of the petitioner, namely, Partap Singh was eligible for allotment of the residential plot of 500 sq. yards and since the father of the petitioner had died as such before making the allotment, vide office letter No.42945 dated 12.09.2016 (Annexure R-3/1), the

petitioner has been asked to complete the following formalities within 30 days from its issuance:-

1. Succession/Legal Heirs Certificate of Partap Singh.
2. Affidavit to the effect that Partap Singh and his legal heirs has not obtained benefit of allotment under the Oustee Category.
4. In view of the above, the present petition has been rendered infructuous and is disposed of as such.
5. However, learned counsel for the petitioner submitted that since the case of the petitioner is pending for consideration before the authorities for a long period, therefore, a time bound direction be issued to the concerned authority to allot the plot after completing the required formalities.
6. Accordingly, it is directed that the needful shall be done by the respondents within a period of three months from the date of completing the formalities by the petitioner, as enumerated in Annexure R-3/1.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

September 28, 2016
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No