

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.11000 of 2015 (O&M)
DATE OF DECISION: 28.03.2016

Surinder Kaur

....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. S.S. Salar, Advocate for the petitioner
Mr. Gurvinder Pal Singh, Additional A.G., Punjab
Mr. Neeraj Sharma, Advocate for respondent No.2
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE:

The petitioner seeks a writ of certiorari to quash orders dated 04.08.2000 and 07.05.2013 (Annexure P/15), a writ of mandamus directing respondent No.2-Ludhiana Improvement Trust to issue an allotment letter in respect of a plot and for consequential orders.

2. The petitioner applied for the allotment of a plot on 18.11.1982. A draw of lots was held 17 years later on 10.09.1999. The petitioner contends that she was not informed that she was successful at the draw of lots. By the impugned order dated 04.08.2000, the 2nd respondent cancelled the allotment. The order records that the original applications were not in the office and that the draw was held on the basis of the records present in the office; that the list of successful candidates at the draw of lots was displayed on the notice board and a notice in the newspaper was

also published. But despite the same the applicants in respect of the plots mentioned therein including the petitioner did not come forward. Observing that a draw slip can be misused, the 2nd respondent cancelled allotment in respect of the said plot.

3. A public notice to this effect was also published on 24.01.2001. The petitioner's name appeared at serial No.9 of that public notice.

4. Ten years later, the petitioner, by a letter dated 13.07.2011, stated that the plot was allotted to her but that she was not aware as to when it was allotted to her. The letter, however, does not state the circumstances in which the petitioner learnt that she was allotted the plot and, therefore, sought information under the Right to Information Act. She sought the allotment of the plot. The petitioner also filed CWP No.20277 of 2012 to assert her right. The petition was allowed to be withdrawn to enable the petitioner to approach the respondents.

5. It is in these circumstances that the impugned order dated 07.05.2013 (Annexure P/15) was passed. After referring to the above facts, the order concluded that the applicant had not contacted the 2nd respondent for eleven years and that her claim should, therefore, be rejected on the ground of delay.

6. It appears from the above facts that the petitioner was aware of the fact that she was successful at the draw of lots held on 10.11.1999, but she abandoned her interest. The revival of her interest, indicated in her letter dated 13.07.2011, was only temporary. Even after the second impugned order dated 07.05.2013, the petitioner did nothing in the matter. The present writ petition

was filed in May, 2015, *i.e.*, two years later. It is also important to note that it is now only through a constituted attorney.

7. It would be unfair to all others to permit the petitioner to avail the benefit of a plot pursuant to the draw of lots held 17 years ago.

8. The petition is, therefore, dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

28.03.2016
parkash*

(ARUN PALLI)
JUDGE