

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 10513 of 2016

Date of Decision: 10.8.2016

Deepa and others

....Petitioners.

Versus

State of Punjab and another

...Respondents.

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

PRESENT: Mr. Prateek Sodhi, Advocate for the petitioners.

Mr. Alok Jain, Additional Advocate General, Punjab.

Mr. Anil Sharma, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to execute the conveyance deed in their favour qua plot No. 424, measuring 200 square yards falling under Ajnala Road Area Expansion Scheme, opposite Guru Nanak University, Amritsar and to deliver the possession thereof to them.

2. Petitioners No.1 and 2 and father of petitioner No.3 were co-owners of the land measuring 6 kanal 7 marlas situated in village Gumtala, Tehsil and District Amritsar. Respondent No.1 framed a development scheme under 'The Punjab Town Improvement Act, 1922' (hereinafter

referred to as “the Act”), namely, 'Ajnala Road Area Expansion Scheme (in short “the Scheme”). The said Scheme was notified on 24.4.1972 under Section 36 of the Act. The land of the petitioners was acquired vide award dated 5.5.1974 and the possession thereof was taken by respondent No.2 in the year 1980. Respondent No.2 vide notices invited the applications for the allotment of the plots to the local displaced persons of the Scheme. In pursuance thereto, petitioners No.1 and 2 and father of petitioner No.3 submitted an application and were allotted plot No. 424 measuring 200 square yards falling under the Scheme opposite Guru Nanak Dev University, Amritsar. A civil suit regarding the ownership of the petitioners was pending in the trial court. However, the trial court vide judgment and decree dated 4.3.1982 upheld the ownership of the petitioners. The said judgment was upheld by the lower appellate court vide judgment and decree dated 2.5.1984 (Annexure P-2). The petitioners in terms of the allotment of plot deposited ₹ 500/- as earnest money on 5.5.1993. Respondent No.2 issued a notice dated 29.3.1996 (Annexure P-4) to the petitioners to show cause as to why their allotment be not cancelled. It was alleged in the said notice that the case of the petitioners suffered from infirmities in view of the Government's memo dated 2.5.1995 (Annexure P-3). The petitioner submitted reply dated 12.4.1996 (Annexure P-5) to the said show cause notice. Respondent No.2 vide letter dated 29.10.1996 (Annexure P-6) asked respondent No.1 to consider the claim of the petitioners and regularize their allotment. However, the Government imposed a ban on the allotment of plots throughout the State of Punjab by different Improvement Trusts. The said ban was lifted vide letter dated 16.12.1999 (Annexure P-7). No intimation was given to the petitioners in this regard. Government of

Punjab vide policy letter dated 19.5.2006 (Annexure P-8), directed the Improvement Trusts to clear all the cases relating to local displaced persons. However, respondent No.2 did not consider the case of the petitioners despite the specific directions of the Government of Punjab. Accordingly, the petitioners moved the representations (Annexure P-9 Colly) to respondent No.2 for possession of plot No. 424, Kabir Park, opposite Guru Nanak Dev University, Amritsar on deposit of the remaining sale consideration, but to no effect. However, respondent No.2 had issued a letter dated 7.9.2012 (Annexure P-10) to the petitioners to produce the copy of the judgment dated 2.5.1984 (Annexure P-2). The petitioners sent a letter dated 18.7.2014 (Annexure P-11) to the Improvement Trust for taking the necessary steps, but all in vain. On coming to know about the conveyance deed executed in favour of one Tarlok Singh, the petitioners gave another representation dated 14.5.2016 (Annexure P-13) to respondent No.2 regarding the regularization and registration of sale deed of Plot No. 424, Guru Nanak Dev University, Amritsar, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the representations (Annexure P-9 Colly) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representations (Annexure P-9 Colly), in accordance with law by passing a speaking order and after affording an opportunity of

hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 10, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No