

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12057 of 2016

Date of Decision: 9.8.2016

Panna Lal Gupta

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Jaideep Verma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner seeks quashing of the order dated 6.8.2009 (Annexure P-13) passed by respondent No.2 rejecting his claim for the allotment of a plot measuring 400 or 500 square yards in Bhai Randhir Singh Nagar or any other scheme. Further, a prayer has been made directing the respondents to allot a plot to the petitioner under 'Local Displaced Persons Scheme'.

2. Late Shri Chunni Lal, father of the petitioner was owner of the land measuring 850 square yards situated within the revenue estate of village Sherpur Kalan, Ludhiana. Respondent No.2 formulated a Truck Stand Scheme in the area of village Sherpur by acquiring the land of private persons. The land of the petitioner's father and other landowners was acquired vide notification dated 11.12.1970 issued under Section 36 of the Punjab Town Improvement Trust Act, 1922 (in short "the Act") followed by

notification dated 11.11.1971 under Section 42 of the Act. The award was passed on 24.3.1972. Respondent No.2 framed Rules under Section 74 of the Act, known as "Ludhiana Improvement Trust Land Disposal Rules, 1964" (hereinafter referred to as "1964 Rules"). As per Rule 5(ii) of the 1964 Rules, the petitioner was entitled to a plot under the category of local displaced persons. The mother of the petitioner applied for an alternative plot being local displaced person vide application dated 20.6.1973 (Annexure P-1) and also deposited the requisite earnest money vide receipt dated 28.6.1973 (Annexure P-2). As per Annexure P-3, the name of the mother of the petitioner also figured in the list of local displaced persons who had applied within the stipulated time. The mother of the petitioner received a letter dated 30.3.1978 (Annexure P-4) regarding her option for booth in the scheme or any residential plot in any other scheme. Further, vide letter dated 29.9.1980, the mother of the petitioner was asked to supply documents regarding her inheritance to the estate of Late Shri Chunni Lal, father of the petitioner. She submitted her option as residential plot in any other scheme and also supplied all the necessary documents as required by respondent No.2. But her claim was not considered despite her repeating requests. Respondent No.2 vide letter dated 8.10.1991 (Annexure P-5) informed the mother of the petitioner that the allotment under the local displaced persons category had been stayed by the department. Vide letters dated 6.11.1992 and 23.12.1993, the mother of the petitioner was asked to appear before the Chairman, Improvement Trust, Ludhiana and she did so and supplied all necessary documents regarding her claim. Respondent No.1 vide letter dated 26.6.1998 (Annexure P-6) called the explanation of respondent No.2 for not allotting the alternative plot to the mother of the

petitioner as other co-sharers had already received the plots. In pursuance thereto, respondent No.2 vide letter dated 23.12.1998 explained to respondent No.1 that allotment in favour of the petitioner's mother was under process and necessary file was sent. Prior to that, another letter dated 12.5.1998 (Annexure P-7) was written by respondent No.2 to respondent No.1 for passing necessary orders. The petitioner's mother moved representations including the representations dated 6.6.2000 (Annexure P-8) and dated 4.4.2003 (Annexure P-9) for allotment of a plot under local displaced persons category, but to no effect. Thereafter, respondent No.1 vide letter dated 12.5.2003 (Annexure P-10) called the report from respondent No.2 who vide reply, Annexure P-11 submitted that as on date the Improvement Trust had been dissolved and as such it cannot make any allotment on its own and only the Government can allot the plot. The petitioner made a representation dated 27.9.2004 to respondent No.1 who sent a letter dated 14.10.2004 for giving necessary information as demanded by earlier letter dated 12.5.2003. However, the mother of the petitioner died on 23.11.2004 by executing a Will in favour of the petitioner. The petitioner moved an application dated 27.6.2006 regarding his inheritance and respondent No.2 asked the petitioner to submit all the documents which he did so. When no action was taken for the allotment of a plot to the petitioner, he filed CWP No. 12662 of 2008 which was disposed of by this Court vide order dated 28.4.2009 (Annexure P-12) with a direction to respondent No.2 to decide the claim of the petitioner. In pursuance thereto, respondent No.2 vide order dated 6.8.2009 (Annexure P-13) rejected the claim of the petitioner. Thereafter, the petitioner moved the representations dated 15.2.2012 (Annexure P-14) and dated 13.12.2015 (Annexure P-15) to

the Secretary, Department of Local Bodies, Punjab, Sector 9, Chandigarh for deciding the revision filed against the order dated 6.8.2009 (Annexure P-13), but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the representations dated 15.2.2012 (Annexure P-14) and dated 13.12.2015 (Annexure P-15) to the Secretary, Department of Local Bodies, Punjab, Sector 9, Chandigarh, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.1 to take a decision on the representations dated 15.2.2012 (Annexure P-14) and dated 13.12.2015 (Annexure P-15), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 9, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No