

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15196 of 2016

Date of Decision: 17.8.2016

Rakesh Kumar

....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 through the instant petition filed under Articles 226/227 of the Constitution of India seeks a writ of mandamus directing the respondents to allot plot No. 54-D, situated at 475 Acres Development Scheme to him in terms of Annexures P-8 and P-9.

2. In the year 1999, the Improvement Trust, Ludhiana invited applications from their employees for the allotment of plots under employment quota. In response thereto, the petitioner applied for the allotment of a plot measuring 150/200 square yards vide application dated 8.7.1979 (Annexure P-1A). The petitioner was appointed as Daftri vide appointment letter dated 28.4.1995 (Annexure P-1). He also deposited the earnest money of ₹ 4000/- vide receipt dated 8.7.1979 (Annexure P-2). The petitioner also furnished an affidavit dated 8.7.1979 (Annexure P-3) that neither he nor his spouse owned any residential plot/house in Punjab, UT,

Chandigarh, Haryana or in any urban estate or in any scheme of the Improvement Trust, Punjab or Haryana. The petitioner was successful in the draw of lots held on 11.2.2000 as per list dated 15.5.2000 (Annexure P-4) and was allotted Plot No. 54-D, measuring 100 square yards situated in 475 Acres Scheme. The Improvement Trust sought instructions vide resolution dated 18.9.2000 (Annexure P-5) from respondent No.1 in the case of the petitioner and other two successful employees who get the job on compassionate ground. The petitioner vide letter dated 14.1.2002 (Annexure P-6) informed respondent No.2 that his claim for the allotment be not considered in the light of his father's employment and be considered independently. Further, the petitioner vide letter dated 24.1.2002 (Annexure P-7) informed respondent No.2 that Surinder Kumar and his son Som Nath, both are working in the office as regular drivers and were allotted plot to them in employment quota. Respondent No.2 had allotted two plots to both father and son, namely, Surinder Kumar and Som Nath drivers working in the Improvement Trust. Plot No. 130-B, Maharishi Balmiki Nagar was allotted to father Surinder Kumar vide sale deed dated 20.6.1998 (Annexure P-8) and Plot No. 128-B was allotted to son Som Nath vide allotment letter dated 12.12.2001 (Annexure P-9). The petitioner served a legal notice dated 26.12.2002 (Annexure P-10) to the Administrator, Improvement Trust, Ludhiana to allot a plot, but to no effect. Thereafter, the petitioner moved various representations including the representations dated 13.6.2003 (Annexure P-11) to respondent No.2 and dated 14.1.2016 (Annexure P-12) to the Secretary, Department of Local Bodies, Punjab for the allotment of a plot, 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 various representations including the representations dated 13.6.2003 (Annexure P-11) to respondent No.2 and dated 14.1.2016 (Annexure P-12) to the Secretary, Department of Local Bodies, Punjab, 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.2 to take a decision on the representation dated 14.1.2016 (Annexure P-12), 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 17, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No