

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15283 of 2016

Date of Decision: 17.8.2016

Santosh Kumari

....Petitioner.

Versus

State of Punjab and another

...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 a writ of mandamus directing the respondents to allot a plot to her under 'Local Displaced Persons Scheme' as per utilization and allotment of plots by the Improvement Trust Rules, 1975.

2. The petitioner was owner of the land measuring 2B-0B-10B to the extent of 55/810 share situated within the revenue estate of village Nurbhani, Tehsil and District Ludhiana as per jamabandi for the year 1974-75 (Annexure P-1). The Improvement Trust, Ludhiana-respondent No.2 formulated 6 Acres Development Scheme called as “Gian Singh Randhawa Scheme” in the area of village Nurbhani and acquired the land including the land of the petitioner vide notification issued under Section 42 of the Punjab Town Improvement Trust Act, 1922 (in short “the Act”). Respondent No.2 framed Rules under Section 74 of the Act, known as “Ludhiana

Improvement Trust Land Disposal Rules, 1964". A notice dated 17.5.1979 (Annexure P-2) was received by the petitioner that if she falls under the definition of local displaced persons as per the utilization and allotment of plots by the Rules, she can apply for the same. The petitioner applied for the plot under the local displaced person category vide application dated 25.5.1979 and also deposited the earnest money of ₹ 500/- vide receipt dated 25.5.1979 (Annexure P-3). She received a letter dated 6.11.1992 from respondent No.2 to appear before respondent No.2 along with original documents and affidavit which she did. However, nothing was done. Accordingly, the petitioner moved various representations including the representation dated 6.7.2000 (Annexure P-4) to respondent No.2 for allotment of a plot under local displaced persons category, but to no effect. Thereafter, the petitioner moved representations dated 30.6.2006 (Annexure P-5) and dated 14.12.2015 (Annexure P-6) to respondent No.2 for allotment of a plot under local displaced persons category, 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 representation dated 14.12.2015 (Annexure P-6) to respondent No.2, 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 14.12.2015 (Annexure P-6), 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