

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19231 of 2016

Date of Decision: 19.9.2016

Tarsem Lal

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE KULDIP SINGH.**

PRESENT: Mr. Arun Jindal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner seeks a writ of mandamus directing respondent No.2 to allot a plot to him in lieu of the land acquired by the Improvement Trust, Patiala as allotted to the similarly situated persons being a Local Displaced Person or to direct the respondents to decide the representation dated 14.1.2016 (Annexure P-8) followed by a reminder dated 8.7.2016 (Annexure P-9) for the allotment of plot to the petitioner in 'Shaheed Sewa Singh Thikriwala Nagar Scheme' (in short "the Scheme").

2. Respondent No.2 acquired the land measuring 180 acres for the Scheme vide notification dated 4.1.1974. The award was passed on 28.7.1978. The land measuring 129 bigha 18 biswas of Krishan Kumar, Roshan Lal and Om Parkash was acquired and possession thereof was taken by respondent No.2. Said Roshan Lal was entitled to the allotment of a plot being a displaced person and vide resolution dated 31.1.2007 (Annexure P-

1) with regard to the allotment of the plots to local displaced persons in the Scheme, the name of Roshan Lal was mentioned. On the basis of the order dated 17.9.2012 (Annexure P-2) passed by the Supreme Court, the petitioner who is the legal heir of said Roshan Lal had received the part payment of compensation of the acquired land in the execution application dated 6.11.2013 (Annexure P-3). One of the co-sharers, namely, Krishan Kumar, filed CWP No. 15519 of 2009 for the allotment of a plot and this Court vide order dated 25.3.2011 (Annexure P-4) disposed of the said writ petition. In pursuance thereto, said Krishan Kumar moved an application dated 11.1.2012 (Annexure P-5) to respondents No.1 and 2 for the allotment of a plot. The respondents vide order dated 22.3.2012 (Annexure P-6) ordered for the allotment of plot of requisite size within a period of one month. Thereafter, respondent No.2 vide letter dated 6.7.2012 (Annexure P-7) allotted plot No. 539 measuring 500 square yards to said Krishan Kumar. Accordingly, the petitioner moved a representation dated 14.1.2016 (Annexure P-8) to respondent No.2 for the allotment of a residential plot in the Scheme being a Local Displaced Person, but to no effect. Thereafter, the petitioner sent a reminder dated 8.7.2016 (Annexure P-9) to respondent No.2, 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 a representation dated 14.1.2016 (Annexure P-8) followed by a reminder dated 8.7.2016 (Annexure P-9) 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 14.1.2016 (Annexure P-8) followed by a reminder dated 8.7.2016 (Annexure P-9), 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

September 19, 2016
gbs

(KULDIP SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No