

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.20275 of 2015
Date of Decision : 24.02.2016.**

Ram Sarup

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

Present : None for the petitioner.

Mr. Alok Jain, Addl.A.G. Punjab.

Mr. Dushyant Sarvesh, Advocate for

Mr. Shekhar Verma, Advocate for respondent Nos.2 to 4.

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The petitioner seeks writ of certiorari quashing the impugned orders dated 26.02.2010, 17.2.2011 and 4.5.2015. The impugned orders dated 17.02.2011 and 4.5.2015 were passed by the Appellate Authority and the revisional authority. The order dated 4.5.2015, dismissed the petitioner's revision application on the ground that it was not maintainable. Vide order dated 17.2.2011, the appellate authority turned down the petitioner's application for a commercial plot on account of his land having been acquired. The impugned order dated 26.2.2010, of the Estate Officer, GMADA, Mohali, mentioned that the rehabilitation scheme was meant for

the original land owners/original residents. The petitioner therefore, contends that in so far as the order of the Appellate Authority is concerned, his case is covered by a Division Bench judgment of this Court in **L.P.A. No.1077 of 2011 titled Rakha Singh Versus State of Punjab and others** decided on 23.01.2012. As the revision application was dismissed on the ground of maintainability, we intend entertaining this writ petition.

Even, assuming the judgment of this Court applies to the petitioner's case, it would be necessary to ascertain the facts as to whether the petitioner was an original land owner/original resident as construed in the judgment.

In these circumstances, the writ petition is disposed of by quashing the impugned orders and directing respondent No.2, to take a fresh decision in accordance with law. Needless to add, respondent No.2, would also have to consider the said judgments of this Court including the judgment in *Rakha Singh Vs. State of Punjab and others* (Annexure P-6).

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

24.2.2016
Manoj Bhutani

(ARUN PALLI)
JUDGE