

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19532 of 2016

Date of Decision: 26.9.2016

Rajiv Sekhri and others

....Petitioners.

Versus

Amritsar Improvement Trust, Amritsar

...Respondent.

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

PRESENT: Mr. Manvander Chauhan, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondent to fix an actual date for conducting the draw for the allotment of plot as they were held entitled to the allotment of a plot measuring 500 square yards vide order dated 11.3.2016 (Annexure P-2).

2. The respondent vide office order dated 30.9.2002 invited applications from its employees for the allotment of plots under Trust Employ Quota. In response thereto, the petitioners and other employees submitted their respective applications along with earnest money of ₹ 10,000/- each with the respondent in "Ajnala Road Extension Scheme". Nirmaljit Kaur and Baljit Singh who were working as Clerk with the respondent, filed a civil suit for the allotment of plots measuring 300/400

square yards. The trial court vide judgment and decree dated 16.5.2012 decreed the suit and directed the respondent to hold the draw of lots and to allot the plots to the eligible candidates. Against the judgment dated 16.5.2012, the respondent filed an appeal and the appellate court vide judgment and decree dated 17.10.2014 dismissed the said appeal. The respondent in compliance with the judgment and decree dated 16.5.2012 decided to allot the plots to said Nirmaljit Kaur and Baljit Kaur only. The petitioners sent a legal notice dated 15.1.2015 to the respondent to consider their claim in light of the judgment and decree dated 16.5.2012, but to no effect. Accordingly, the petitioners filed CWP No. 11566 of 2015 which was disposed of by this Court vide order dated 28.5.2015 (Annexure P-1) with a direction to the respondent to take a decision on the legal notice dated 15.1.2015. In pursuance thereto, the respondent vide order dated 11.3.2016 (Annexure P-2) held the petitioners entitled to the plots measuring 500 square yards and directed that the plots be allotted to petitioner No.1 by charging double the reserve price and to petitioner No.2 by holding draw of lots by fixing a date for conducting the draw. Thereafter, no action was taken thereon. Accordingly, the petitioners moved a representation dated 26.7.2016 (Annexure P-3) to the respondent for fixing an actual date for conducting the draw, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a representation dated 26.7.2016 (Annexure P-3) to the respondent, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the

present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the respondent to take a decision on the representations dated 26.7.2016 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 26, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No