

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 20434 of 2016

Date of Decision: 13.12.2016

Kuldeep Singh and another

....Petitioners.

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 petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners seek a writ of mandamus directing the respondents to allot a plot to them under 'Local Displaced Persons Scheme' as per Utilization and Allotment of Plots by Improvement Trust Rules, 1975 (hereinafter referred to as the "1975 Rules").

2. The father of the petitioners and uncles were owner of the land measuring 15 kanal 6 marlas each and the share of the grandfather of the petitioners was 37 kanal 15½ marlas. Respondent No.2 framed a development scheme known as "Development-cum-Housing Accommodation Scheme" (hereinafter referred to as "the Scheme") in the area of village Sunet by acquiring the land of the private persons. The land in question along with other land was acquired vide notification dated

2.7.1976 issued under Section 36 of the Punjab Town Improvement Trust Act, 1922 (for brevity “the Act”) followed by notification under Section 42 of the Act. The possession thereof was taken by respondent No.2. Since, the land measuring 7 kanal 3 marlas of the father of the petitioners was acquired, he was entitled to the alternative plot under the Local Displaced Persons Category under the 1975 Rules. Accordingly, he applied for a plot under the Local Displaced Persons Category vide application dated 28.5.1980 (Annexure P-1) and offered to deposit the requisite earnest money. Respondent No.2 issued a public notice dated 16.11.1992 (Annexure P-2) to scrutinize the claim of the local displaced persons whose applications were pending with respondent No.2. Thereafter, another public notice dated 3.1.1998 (Annexure P-3) was issued directing the local displaced persons to appear before respondent No.2. In response thereto, the father of the petitioners appeared before respondent No.2 on 10.1.1998 at 11.00 AM along with the requisite documents which were scrutinized by respondent No.2 who assured to allot a plot to him under the Local Displaced Persons Category. When no action was taken thereon, the father of the petitioners moved various representations including the representations dated 24.8.2004 (Annexure P-4), dated 30.4.2008 (Annexure P-5) and dated 21.7.2014 (Annexure P-6) to respondent No.2. However, the father of the petitioners died on 19.1.2015 which is discernible from the death certificate dated 30.1.2015 (Annexure P-7). He has executed a registered Will dated 11.11.2004 (Annexure P-8) in favour of the petitioners and, therefore, the petitioners are the legal heirs of Late Shri Harbhajan Singh. Thereafter, the petitioners moved a representation dated 8.12.2015 (Annexure P-9) to respondent No.2 for allotment of a plot

under the Local Displaced Person Category being the legal heirs of Late Shri Harbhajan Singh, but no response has been received. Buta Singh and Jagtar Singh whose claim was not accepted by the respondents for the allotment of a plot, filed CWP No. 7171 of 2013 and this Court vide order dated 7.5.2013 disposed of the said writ petition with liberty to the petitioners therein to pursue their claim before respondent No.2. In response thereto, the petitioners approached respondent No.2 who accepted their claim vide order dated 17.8.2015 (Annexure P-10) and resolution (Annexure P-11). Similarly, one Krishan Kumar filed CWP No. 15519 of 2009 and this Court vide order dated 25.3.2011 disposed of the said writ petition with a direction to State Government to take an appropriate decision on the recommendation of the Improvement Trust, Ludhiana for the allotment of residential plot under the Local Displaced Persons in accordance with the policy. Respondent No.1 vide order dated 22.3.2012 (Annexure P-12) ordered for allotment of a plot to said Krishan Kumar which was allotted vide allotment letter dated 1.11.2012 (Annexure P-13). 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 8.12.2015 (Annexure P-9) to respondent No.2, 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 respondent No.2 to take a decision on the representation dated 8.12.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

December 13, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No