

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 20633 of 2016

Date of Decision: 3.10.2016

Ishwar Kaur

....Petitioner.

Versus

State of Punjab and another

...Respondents.

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

PRESENT: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to decide her claim for allotment of a plot in lieu of Baras in terms of the policy dated 27.2.2001 (Annexure P-1).

2. The petitioner was owner of two Baras measuring 38 marlas of land to the extent of 1/3rd share. The said land was acquired by the respondents. As per the policy dated 27.2.2001 (Annexure P-1), the petitioner was entitled to a 6-Marla plot. In pursuance to the policy, the petitioner submitted an affidavit dated 10.8.2001 (Annexure P-2) regarding the acceptance of offer of allotment. The respondents allotted a 150 square yard plot to the petitioner and vide letter dated 8.9.2006 (Annexure P-3) asked her to file the affidavit for accepting the offer of PUDA. The

petitioner had already deposited 25% of the amount for 6-Marla plot vide receipt dated 16.8.2001 and requested the respondents to allot the plot in Sector 68 SAS Nagar, Mohali. The petitioner had earlier filed CWP No. 14098 of 2015 which was dismissed as withdrawn by this Court vide order dated 16.7.2015 (Annexure P-4) with liberty to file a fresh one with better particulars. Thereafter, the petitioner served a legal notice dated 4.3.2015 (Annexure P-5) upon respondent No.2 for allotment of a 6-Marla plot in lieu of Baras in terms of the policy dated 27.2.2001 (Annexure P-1), 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 the legal notice dated 4.3.2015 (Annexure P-5) 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 legal notice dated 4.3.2015 (Annexure P-5), 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

October 3, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No