

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21271 of 2016

Date of Decision: 7.10.2016

Baldev Singh

....Petitioner.

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 petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner seeks a writ of mandamus directing the respondents to allot a plot to him under 'Local Displaced Persons Scheme' as per Ludhiana Improvement Trust Land Disposal Rules, 1964.

2. One Pritam Singh applied for a plot under the Local Displaced Persons category vide application dated 25.4.1985 (Annexure P-1) and offered to deposit the requisite earnest money. Said Pritam Singh received a notice dated 5.6.1985 (Annexure P-2) from respondent No.2 to deposit a sum of ₹ 500/- as earnest money so that the plot could be allotted to him who deposited the said amount vide receipt dated 5.6.1985 (Annexure P-3). When no plot was allotted to said Pritam Singh, he moved the representations dated 21.7.1986 (Annexure P-4) and dated 27.9.1990. Respondent No.2 issued a public notice dated 16.11.1992 (Annexure P-5) to

scrutinize the claim of the local displaced persons whose applications were

pending with respondent No.2. Pritam Singh appeared before respondent No.2 on 16.11.1992 along with original documents and one set of documents was supplied to respondent No.2 who assured that the process to allot a plot in his favour would be started. Again a public notice dated 3.1.1998 (Annexure P-6) was issued directing the local displaced persons to appear before respondent No.2. Pritam Singh again appeared before respondent No.2 on 10.1.1998 along with all documents regarding his entitlement for a plot. When no action was taken thereon, said Pritam Singh submitted the representations dated 6.7.1999 and 24.2.2001 (Annexure P-7) to respondent No.2. Said Pritam Singh died on 30.5.2002 and before his death, he had executed a registered Will dated 12.4.2002 (Annexure P-8) in favour of the petitioner mentioning therein that the petitioner shall be entitled to the plot to be allotted by respondent No.2. The petitioner moved an application dated 28.2.2002 (Annexure P-9) before respondent No.2 disclosing about the death of Pritam Singh and brought on record the registered Will dated 12.4.2002 executed in his favour and requested to implead him as legal heir of Pritam Singh. Thereafter, the petitioner moved the representations dated 11.5.2005 and 26.1.2006 to the Executive Engineer, Improvement Trust for the allotment of plot, but all in vain. Respondent No.2 issued a public notice dated 25.6.2006 directing the local displaced persons to submit their documents on or before 28.6.2006 for the allotment of plots. The petitioner appeared before respondent No.2 on 26.6.2006 and submitted the relevant documents regarding his claim. Various representations and reminders including the representation dated 30.6.2009 (Annexure P-10) were sent by the petitioner to the respondents for the allotment of plot, but no response was received. Again, the petitioner

moved various representations including the representation dated 14.2.2016 (Annexure P-11) to respondent No.2 for allotment of a plot under local displaced persons category, but to no effect. 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-12) and resolution (Annexure P-13). 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-14) ordered for allotment of a plot to said Krishan Kumar which was allotted vide allotment letter dated 1.11.2012 (Annexure P-15). 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 various representations including the representation dated 14.2.2016 (Annexure P-11) 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 14.2.2016 (Annexure P-11), 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 7, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No