

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21855 of 2016

Date of Decision: 21.10.2016

Charan 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 respondent No.2 to allot a plot to him as was allotted to the other persons whose land was ordered to be acquired but later on exempted and plots of same area were allotted by imposing a cut of 20% on the holding or in the alternative to direct respondent No.2 to acquire the said land and pay the compensation.

2. Shri Sardara Singh, the father of the petitioner was shareholder in the land measuring 1 bigha to the extent of 25/132 share, situated within the revenue estate of village Gill-I, Tehsil and District Ludhiana. The said land was recorded in the name of '*Shamlat Patti Siblu Hasab Paimana Haqikat*' said Patti had 10 ploughs and each plough had 1/10 share. As per the revenue record for the year 1980-81 (Annexure P-1), the State Government acquired the said land vide notification dated 15.2.1951 for the

development of Industrial Township in Ludhiana without compensation. As

per the policy of the State Government, the alternative land measuring 1 bigha 6 biswas Pukhta situated in village Taraf Barura was allotted to the landowners including the father of the petitioner in lieu of the acquired land. However, necessary corrections were not made in the revenue record (Annexure P-2) as ownership column remained same and name of the Patti came in the cultivation column. The father of the petitioner expired on 9.11.1983 and the petitioner being his legal heir bequeathed his entire estate by way of registered Will. The possession of the alternative property was given and the petitioner came in possession of the property to the extent of 25/132 share, i.e. 0B-5B-0B in khasra Nos. 363/3 and 364/3. The petitioner approached the revenue authorities to correct the revenue record, but to no effect. Accordingly, the petitioner filed civil suit No. 407 dated 31.7.1997 for declaration to the effect that he is owner in possession over the land measuring 0B-5B-0B (756 square yards) in khasra Nos. 363/3 and 364/3 and to transfer and enter mutation qua the suit land in favour of the petitioner. The said suit was decreed vide judgment and decree dated 10.10.2005 (Annexure P-3). The mutation thereof was sanctioned in favour of the father petitioner on 16.10.2015 to the extent of 25/132 share and thereafter in the name of the petitioner vide mutation dated 30.11.2015 which is discernible from the revenue record (Annexure P-4). Thereafter, after imposing a cut of 20%, the petitioner was entitled to be allotted the land measuring 786 square yards. Respondent No.2 acquired khasra Nos. 363/3 and 364/3 in the development scheme known as Model Town Extension Part I, Ludhiana which is clear from the site plan, Annexure P-5. However, lateron the residential plots were allotted to the other owners by exempting said khasra numbers from acquisition. The petitioner received

information under the Right to Information Act, 2005 that respondent No.2 had allotted the plots to the other land owners as mentioned in the list, Annexure P-6. But, no plot was allotted to the petitioner. Accordingly, the petitioner moved a representation dated 12.8.2016 (Annexure P-7) to the respondents for the allotment of plot in lieu of land used by respondent No.2 for Model Town Colony, Ludhiana, 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 a representation dated 12.8.2016 (Annexure P-7) to the respondents, 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 12.8.2016 (Annexure P-7), 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 21, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No