

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.24776 of 2014
Date of decision: 02.05.2016

Paramjeet Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. NS Diwana, Advocate for the petitioners.
Mr. Rajinder Goyal, Addl. AG, Punjab.
Mr. RS Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J.

A writ of mandamus is prayed for, directing the respondents to allot a residential plot to the petitioners, in terms of relocation policy of the Punjab Government, dated 18.02.2014 (Annexure P1), in lieu of the acquisition of their land holding. Further, respondents be restrained from causing demolition of their residential house without affording them an opportunity of hearing.

Facts that are required to be noticed are limited.

Petitioners purport to be the owners of a land, measuring 10.15 biswas, comprised in khata No.305, khatauni No.352, khasra No.1037-38, situated at village Mullanpur

Garibdass, Tehsil Kharar, District SAS Nagar. And also a house, that purportedly existed thereupon (outside the Lal Lakir). Vide two separate awards, dated 02.08.2011 and 12.09.2013, land as also the house of the petitioners were acquired by the authorities, for the establishment of Urban Estate, Mullanpur (New Chandigarh). It is maintained, for the petitioners were entitled for allotment of a plot, in terms of the relocation policy of the Punjab Government, dated 18.02.2014 (Annexure P1), they accordingly applied to the authorities. Petitioners continued to pursue their claim with the office of Chief Administrator, PUDA (respondent No.2), but to no avail. That is how, as indicated above, the petitioners are before this court.

The written statement filed by the respondents reveals, that father of the petitioners, namely, Dyal Singh son of Hari Singh was in occupation of the house in question, for which he had received Rs.14,52,999/- as compensation, vide cheque No.591218 dated 14.11.2013. Whereas, compensation qua the land was deposited with the reference court (Additional District Judge) at SAS Nagar, being undisbursed, under Section 31 of the Land Acquisition Act. Thus, the petitioners were not eligible for allotment of a plot in terms of the relocation policy, dated 18.02.2014 (Annexure P1). And, the possession of the land as also the house had already been taken by the authorities.

We have heard learned counsel for the parties and perused the records.

Although, the petitioners purports to have applied for allotment in terms of the relocation policy, but copy of any such application is not appended with the petition. Likewise, nothing is placed on record to show that the petitioners ever pursued their claim for allotment with respondent No.2. Clause 12 of the policy postulates: “**Beneficiary shall submit documentary proof in support of his residence and ownership of land/house.**” However, nothing is brought on record to show that petitioners indeed were owners of the acquired land or the house that purport to have existed thereupon. Likewise, there is nothing to indicate that the said house was occupied by the petitioners for residential purposes. Be that as it may. For, the respondents have stated in paragraphs 8 & 14 of their written statement, that the petitioner never applied for allotment under the policy and, thus, there was no occasion to consider their claim, and rather than filing the instant petition, they, instead, could apply to the Collector, for allotment, we deem it appropriate to dispose of the petition with the following observations:

- i) Petitioners shall submit a representation with requisite details, and appended therewith the necessary documents, to respondent No.3, within a period of six weeks from today;
- ii) If any such, representation is made by the petitioners, respondent No.3 shall consider and decide the same within a period of four weeks from its receipt, in accordance with law;

- iii) Petitioners shall also be afforded an opportunity of hearing before any such order is passed; and
- iv) Needless to assert, respondent No.3 shall pass a comprehensive order assigning reasons in support of the decision arrived at, for we have neither determined the eligibilities nor entitlement of the petitioners for allotment, vide this order.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.05.2016
Rajan