

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24211 of 2016

Date of Decision: 23.11.2016

Bhupinder Pal Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Mansur Ali, 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 a direction to respondents No.2 and 3 to regularize his possession of House No. 2716/C, Sector 70, SAS Nagar, Mohali as per the policies, Annexures P-2, P-3 and P-5, respectively and in view of judgment of this Court, Annexure P-6, being 1984 Sikh riot victim and to quash the order dated 11.8.2015/3.7.2015 (Annexure P-4). Further, a direction has been sought to the respondents to take action on the representation dated 2.9.2016 (Annexure P-10) moved by the petitioner.

2. The petitioner is a 1984 riot victim and Sikh migrant holding Red Card dated 22.10.2001 (Annexure P-1). He is living in House No. 2716/C, Sector 70, SAS Nagar, Mohali. State of Punjab issued a policy dated 3.11.2008 (Annexure P-2) for regularization of possession of the riot

victims at the rates so fixed in the year 1991-92 as per policy dated

29.9.2011 (Annexure P-3). Respondent No.2 vide order dated 11.8.2015/3.7.2015 (Annexure P-4) rejected the claim of the petitioner. The policy dated 3.10.2016 (Annexure P-5) was issued by the State of Punjab. Similar CWP No. 16345 of 2009 titled as Kuljit Singh and others v. State of Punjab and another was disposed of by this Court vide order dated 14.9.2010 (Annexure P-6) directing that possession be regularized to riot victims. The said order was upheld in LPA No. 260 of 2011. Similar matter bearing CWP No. 17206 of 2016 came up before this Court and this Court vide order dated 24.8.2016 (Annexure P-7) disposed of the said writ petition with a direction to respondent No.2 to decide the representation of the petitioner therein within a period of three months from the date of receipt of the copy of the order. Kuljit Singh and others filed COCP No. 1324 of 2011 which was disposed of by this Court vide order dated 2.4.2012 (Annexure P-8). The petitioner filed CWP No. 20928 of 2013 which was dismissed as withdrawn by this Court vide order dated 21.1.2015. Further, respondent No.4 vide letter dated 4.11.2016 (Annexure P-9) called for the comments from respondents No.2 and 3 on the appeal filed by the petitioner. Thereafter, the petitioner moved a representation dated 2.9.2016 (Annexure P-10) to respondents No.1 to 3 for regularization of the possession, but no response has been received till date. Further, in other districts of Punjab, the allotment letters (Annexure P-11 Colly) are being issued. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 2.9.2016 (Annexure P-10) to respondents No.1 to 3, 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 2.9.2016 (Annexure P-10), 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

November 23, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No