

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24364 of 2016

Date of Decision: 28.11.2016

Inderjit Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE SNEH PRASHAR.**

PRESENT: Mr. Mansur Ali, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners through the instant writ petition filed under Articles 226/227 of the Constitution of India have prayed for issuance of directions to respondents No.2 and 3 to regularize their possession as per the policies (Annexures P-2 to P-4, respectively) and in view of judgment of this Court, dated 14.9.2010 (Annexure P-5), being 1984 Sikh riot victims. Further, a direction has been sought to the respondents to take action on the representation dated 6.10.2016 (Annexure P-13) moved by the petitioners.

2. The petitioners are 1984 riot victims and Sikh migrants holding Red Cards including Red Card dated 10.3.2010 (Annexure P-1) of petitioner No.1. They are living at Mohali at the addresses as mentioned in para 3 of the writ petition. The husband of petitioner No.2 filed CWP No. 20921 of

2013 and COCP No. 1324 of 2011. She is pursuing the matter being LR of

her husband. 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). The policy dated 3.10.2016 (Annexure P-4) 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-5) 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-6) 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. Petitioner No.4 earlier filed CWP No. 5944 of 2011 which was disposed of by this Court vide order dated 4.4.2011 (Annexure P-7). 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). Petitioner Nos.1 to 4, 6, 8 and 10 had filed CWP No. 20921 of 2013 which was dismissed as withdrawn by this Court vide order dated 21.1.2015. Further, respondent No.1 vide letter dated 1.6.2016 (Annexure P-9) called for the comments from respondents No.2 and 3 regarding making of allotment to the riot affected of 1984. The Additional Chief Secretary and Financial Commissioner, Revenue wrote a letter dated 11.8.2016 (Annexure P-10) to respondent No.2 for report regarding the allotment of flats to the riot affected of 1984. Respondent No.4 vide letter dated 4.11.2016 (Annexure P-11) took cognizance of the matter, but no allotment was made.

Thereafter, the petitioners moved the representations dated 18.10.2016 and

6.10.2016 (Annexures P-12 and P-13, respectively) to respondents No.1 to 3 for regularization of their possession, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 6.10.2016 (Annexure P-13) to respondents No.1 to 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 6.10.2016 (Annexure P-13), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 28, 2016
gbs

(SNEH PRASHAR)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No