

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24413 of 2016

Date of Decision: 28.11.2016

Balvir Kaur

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. S.P. Soi, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner seeks a writ of mandamus directing the respondents to allot a plot to her out of the local displaced persons quota in lieu of her acquired land by the Punjab Improvement Trust, Phagwara (in short “the Trust”) in the Scheme dated 13.11.1958 as neither she nor her predecessor-in-interest had been paid the compensation.

2. The agricultural land comprised in khasra No. 5630/947 (2-6) of Shri Teja Singh, father-in-law of the petitioner was acquired by the Trust on 13.11.1958 under Scheme No.3. Said Shri Teja Singh had died in the year 1988-89 and the mutation of inheritance was sanctioned in favour of Shri Gurdev Singh, husband of the petitioner who had also expired and mutation of inheritance thereof was sanctioned in favour of the petitioner (widow), Narinder Singh and Jagir Singh (sons) and Jasbir Kaur (daughter)

in equal shares. The petitioner vide letter dated 18.5.2012 during Sangat

Darshan requested the Parliamentary Secretary to the Local Government Department for allotment of a plot under the local displaced persons quota. Respondent No.4 vide letter dated 12.6.2012 (Annexure P-1) informed the petitioner that she had not applied upto 30.11.1992 for the allotment of plot as local displaced persons in response to the publications issued in the newspapers. Respondent No.4 vide letter dated 5.7.2012 (Annexure P-2) asked respondent No.3 for issuing regulations for the allotment of plots as local displaced persons. Respondent No.1 wrote a letter dated 5.2.2014 to the Local Government Department, Branch II that the work of allotment of plots to the local displaced persons was not going on in a proper manner and vide order dated 28.2.2014 (Annexure P-3) constituted a committee for screening of the cases of local displaced persons and sent their recommendations within two months. The petitioner moved a representation dated 29.5.2014 (Annexure P-4) to the Department of Local Government which sent the list of the representations to respondent No.4 for disposal as per law and instructions and to inform the petitioner. The Superintendent, Local Government Department II Branch vide letter dated 8.6.2014 (Annexure P-5) recommended three applications of the displaced persons, namely, Subhash Chander, Shiv Kumar Gupta and Balvir Kaur (petitioner herein). However, no allotment of plot as local displaced persons was made to the petitioner. Accordingly, the petitioner served a legal notice dated 27.10.2016 (Annexure P-6) upon the respondents for allotment of a plot under the local displaced persons quota, 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 legal notice dated

27.10.2016 (Annexure P-6) 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.3 to take a decision on the legal notice dated 27.10.2016 (Annexure P-6), 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 28, 2016
gbs

(SNEH PRASHAR)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No