

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24494 of 2016

Date of Decision: 29.11.2016

Kanwaljit Singh and another

....Petitioners.

Versus

State of Punjab and another

...Respondents.

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

PRESENT: Mr. Jaideep Verma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners seek a writ of mandamus directing the respondents to allot a plot to them under 'Local Displaced Persons Scheme' as per Ludhiana Improvement Trust Land Disposal Rules, 1964 (hereinafter referred to as the “1964 Rules”).

2. Late Jagdish Kaur purchased a plot measuring 500 square yards situated within the revenue estate of village Dugri, Hadbast No. 277, Tehsil and District Ludhiana vide registered sale deed dated 27.1.1970 (Annexure P-1). Respondent No.2 framed a development scheme, namely, “Model Town Extension Part-II, Ludhiana” in the area of village Dugri by acquiring the land of the private persons. The land of Late Jagdish Kaur and other landlords was acquired vide notification dated 8.6.1973 issued under Section 36 of the Punjab Town Improvement Trust Act, 1922 (in short “the Act”) followed by notification dated 26.7.1974 under Section 42 of the Act.

The possession thereof was taken by respondent No.2 on 31.5.1985. As per 1964 Rules, Late Jagdish Kaur applied for a plot under the Local Displaced Person Category vide application dated 16.1.1975 (Annexure P-2) and deposited the requisite amount vide receipt dated 16.1.1975 (Annexure P-3). When no plot was allotted to Late Jagdish Kaur, she moved the representations dated 21.7.1986 (Annexure P-4) and dated 27.9.1990, but to no effect. Respondent No.2 issued a public notice dated 6.11.1992 (Annexure P-5) to scrutinize the claim of the local displaced persons whose applications were pending with respondent No.2. Said Late Jagdish Kaur appeared before respondent No.2 on 16.11.1992 along with original documents and one set of documents was supplied to respondent No.2 who assured that the process to allot a plot in her favour would be started. Again a public notice dated 3.1.1998 (Annexure P-6) was issued directing the local displaced persons to appear before respondent No.2. Late Jagdish Kaur again appeared before respondent No.2 on 10.1.1998 along with all documents regarding her entitlement for a plot. When no action was taken thereon, she submitted the representations dated 6.7.1999 and 24.2.2001 (Annexure P-7) to respondent No.2. Late Jagdish Kaur appeared before the Executive Officer, Improvement Trust, Ludhiana and submitted a representation dated 11.5.2005 for considering her claim. Respondent No.2 issued a public notice dated 25.6.2006 directing the local displaced persons to submit their documents on or before 28.6.2006 for the allotment of plots. Late Jagdish Kaur appeared before respondent No.2 on 26.6.2006 and again on 24.4.2009 and submitted the relevant documents regarding her claim. As per the death certificate dated 24.2.2011 (Annexure P-8), said Jagdish Kaur died on 8.1.2011 leaving behind his two sons, namely, Kanwaljit Singh and

Paramjit Singh (the petitioners herein). The petitioners moved an application dated 28.6.2011 (Annexure P-9) before respondent No.2 for allotment of a plot under the Local Displaced Person Category and to implead them as legal heirs of Late Jagdish Kaur. Thereafter, the petitioners moved the representations and reminders including the representation dated 30.3.2016 (Annexure P-10) to respondent No.2 for the allotment of plot under the Local Displaced Person Category, but no response was received. Buta Singh and Jagtar Singh whose claim was not accepted by the respondents for the allotment of a plot, filed CWP No. 7171 of 2013 and this Court vide order dated 7.5.2013 disposed of the said writ petition with liberty to the petitioners therein to pursue their claim before respondent No.2. In response thereto, the petitioners approached respondent No.2 who accepted their claim vide order dated 17.8.2015 (Annexure P-11) and resolution (Annexure P-12). Similarly, one Krishan Kumar filed CWP No. 15519 of 2009 and this Court vide order dated 25.3.2011 disposed of the said writ petition with a direction to State Government to take an appropriate decision on the recommendation of the Improvement Trust, Ludhiana for the allotment of residential plot under the Local Displaced Persons in accordance with the policy. Respondent No.1 vide order dated 22.3.2012 (Annexure P-13) ordered for allotment of a plot to said Krishan Kumar which was allotted vide allotment letter dated 1.11.2012 (Annexure P-14). Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent various representations including the representation dated 30.3.2016 (Annexure P-10) to respondent No.2, 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 30.3.2016 (Annexure P-10), 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 29, 2016
gbs

(SNEH PRASHAR)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No