

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26206 of 2014
Date of Decision:-3.2.2016.

Dr. Manvinder Pal Singh Bhatia and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: Mr. Anand Chhibbar, Senior Advocate with
Ms. Harpriya Khaneka, Advocate for the petitioners.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. Vikas Mohan Gupta, Advocate for
respondent No.3.

Mr. Rupinder S. Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate for GMADA.

SURYA KANT, J. (ORAL)

1.) While upholding the acquisition of the petitioners' land located in Jalandhar City and acquired by State of Punjab to give wider access road from Footbal Chowk to Central Jail at Jalandhar, the Hon'ble Supreme Court passed the following order on 9.4.2013:-

“However, we give liberty to the petitioners to make representation to respondent No.1 and 2 as also respondent No.5 for sympathetic consideration of their request for allotment of sites in the new complex to be constructed on the site of the Central Jail.

We hope and trust that the representation(s) made by the petitioners will be considered and decided by the competent authority within a period of three months.

In case the State Government and PIDB agree to allot alternative sites to the petitioners at the prevalent market rate then it will not be necessary for them to record reasons in support of their decision. If, on the other hand the representation(s) of the petitioners is/are rejected then the concerned authority must record reasons in support of its conclusion.”

2.) Thereafter, this Court in **CWP No.6269 of 2014** directed the respondent-Authorities on 1.4.2014 to take a decision in terms of the above reproduced order, preferably within a period of four months.

3.) In deference to those directions, Jalandhar Development Authority (JDA) has taken a decision in principle conveyed to the petitioners vide memo dated 24.9.2014 (P-23). The salient features of that decision are to the following effect:-

“As per decision of Hon'ble Supreme Court of India and decision taken by the Committee

the Commercial Sites at Jail Site Jalandhar after selling these through auction the allotment will be given in favour of the petitioners on the average rate. PUDA is making allotment of commercial sites in the open auction. The rate on which the property is sold through auction, that rate is treated as market rate.

In the decision mentioned in list no.1 PUDA has to give one month's time for consent of the petitioners. If the petitioners do not give their consent within a period of one month of the date of issuance of letter then it would be presumed that they do not want to have the commercial plots as per orders of Hon'ble Supreme Court and after this no application of the petitioners would be considered in future.

If the petitioners do not give their consent as per decision given in list no.1 and the time stipulated in list no.2 then in that event the PUDA will take immediate action for allotment on the terms and conditions so determined by the committee in which the area to be allotted etc. will be taken and for giving the commercial plots to the petitioners by PUDA, Jail Site, Jalandhar through auction.

The above decision of the committee may be intimated to the petitioners.”

4.) Certain apprehensions in the mind of the petitioners for giving effect to the above reproduced decision have prompted them to approach this Court again.

5.) We have heard learned counsel for the parties and gone

through the record.

6.) It stands crystallized from the decision taken by the Jalandhar Development Authority dated 24.9.2014 that a decision in principle has been taken to offer allotment of commercial sites to the petitioners in the New Complex constructed/developed at the site of the Central Jail.

7.) Similarly, *"the prevalent market rate"* has been decided to be determined on the basis of 'average rate' of sale through the open auction of similar sites in the same Complex. It simply means that after the open auction of similar type of commercial sites in the same complex is held, the average price of such sold-out sites shall be taken as the allotment rate of the sites to be offered to the petitioners.

8.) We have no reason to doubt that since Commercial Complex is almost developed and would be very soon ready for auctioning, the Authority will make an endeavour to conduct the public auction as early as possible and preferably within six months.

9.) No sooner the auction is held, let the commercial sites be offered to the petitioners at the average rate in terms of the decision dated 24.9.2014 within one month of the public auction. The other terms and conditions of allotment would be the same as mentioned by the Jalandhar Development Authority in its above-reproduced decision.

10.) If there remains still any issue(s) to be resolved by this

Court, the petitioners shall be at liberty to seek redressal of their grievances in accordance with law.

11.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

February 3, 2016.

sandeep sethi