

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25567 of 2015 (O&M)

Date of Decision: 15.09.2016

Deepak

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

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|--|-----------------|
| 1. Whether speaking/reasoned? | Yes / No |
| 2. Whether reportable? | Yes / No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. SS Rathore, Advocate for the petitioner

Mr. Rajesh Bhardwaj, Addl. AG Punjab

Mr. RS Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate for GMADA

SURYA KANT, J. (Oral)

(1) The question involved in this case pertains to the rate of allotment of plot to the petitioner under the oustees category. He has been offered allotment of a 4 marla (100 sq.yard) plot @ ₹25000 per sq.yard whereas he claims such allotment @ ₹3350 per sq.yard.

(2) A brief reference to the facts may be made.

(3) The petitioner's land measuring 3K 19M situated in the revenue estate of village Sohana, Tehsil and District Mohali was acquired vide Award No.481 dated 17.05.2001. It is not in dispute that as per the Ousteas Policy, an oustee becomes eligible for allotment of a plot only if the area of his acquired land is not less than half acre i.e. 4 kanal. Therefore, no allotment was made in favour of the petitioner for want of eligibility.

(4) Subsequently, one-marla more land of the petitioner was acquired vide Award No.522 dated 15.11.2011. In this manner, the petitioner's total

acquired land became 4 kanal making him eligible for allotment of a 4 marla plot under the oustees category. After some round of litigation, 100 sq.yards plot has been offered to the petitioner @ ₹25000 per sq.yard which, according to him, ought to have been allotted at the rate as was prevalent in the year 2001.

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

(6) Since the petitioner earned eligibility in the year 2011 only when his additional land was acquired, we are of the considered view that at best the petitioner can be allotted plot at the rate which was prevalent in that year. He cannot claim allotment as per the 2001 rate when neither he was eligible nor any allotment was made in his favour.

(7) Learned senior counsel for GMADA, on instructions, informs that in 2011 also, the rate of allotment was ₹25000 per sq.yard.

(8) In this view of the matter, we do not find any legal infirmity in the offer made to the petitioner and dismiss the writ petition but with liberty to him that in case any allotment has been made at a lower rate under the oustees category in identical circumstances, he may represent the authorities for re-consideration of the rate of allotment of plot offered to him.

(9) Ordered accordingly.

(Surya Kant)
Judge

15.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge