

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24853 of 2016

Date of Decision: 1.12.2016

Ranjit Kaur @ Surjit Kaur and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

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

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners pray for issuance of a writ in the nature of certiorari for setting aside the open auction of residential plots held on 2.12.2016 as per the notice for publication dated 23.11.2016 (Annexure P-10) issued by respondents No.2 and 3. Further, a direction has been sought to the respondents to frame a policy for determination of the pending claims of the local displaced persons in a time bound period and to make allotment of plots to them.

2. The Improvement Trust, Ludhiana (in short “the Trust”) issued the Development Schemes (Annexure P-4) in various parts of the State covering an area of 2850 acres approximately. For the said Schemes, the Trust acquired the land of various persons including the petitioners under the various Rules (Annexures P-1 to P-3, respectively). In response thereto,

the landowners falling in the categories of local displaced persons moved applications for the allotment of plots in the resident scheme but their claims were not considered by the Trust. However, the Trust vide publications dated 6.11.1992 (Annexure P-5) and dated 3.1.1998 (Annexure P-6) directed the local displaced persons to appear before respondent No.2 along with documents in support of their respective claims. Respondent No.2 filed an affidavit dated 6.11.2003 (Annexure P-7) before this Court in CWP No. 373 of 2003 pleading that 342 applications for allotment of plots under local displaced category in all development schemes in Ludhiana are still pending in which the applications had deposited the earnest money whereas 42 applications are also pending in which there was no proof of deposit of earnest money. Government of Punjab vide letter dated 19.5.2006 directed all the Improvement Trusts to consider the claim of all the persons who had applied for the allotment under local displaced persons category. However, till date no policy was framed by the Trust. A public notice dated 3.11.2016 (Annexure P-8) was issued regarding open auction of residential and commercial plots, flats etc. held on 23.11.2016 in which 11 residential plots in different residential schemes were also mentioned at Sr. Nos. 15 to 18, 20 to 25 and 28. The petitioners sent a representation dated 6.11.2016 (Annexure P-9) to the respondents for cancellation of the auction of the aforesaid plots, but to no effect. On 23.11.2016, the auction was not held. Respondent No.2 issued a notice dated 23.11.2016 (Annexure P-10) for auction of the aforesaid plots on 2.12.2016. Accordingly, the petitioners again moved a representation dated 24.11.2016 (Annexure P-11) to the respondents for the cancellation of the auction to be held on 2.12.2016, 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 sent the representation dated 24.11.2016 (Annexure P-11) to the respondents, 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.1 to take a decision on the representation dated 24.11.2016 (Annexure P-11), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

December 1, 2016
gbs

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No