

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 25304 of 2016

Date of Decision: 7.12.2016

Harjit Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Mansur Ali, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners through the instant writ petition filed under Articles 226/227 of the Constitution of India have prayed for issuance of directions to respondents No.2 and 3 to regularize their possession as per the policies (Annexures P-2, P-3 and P-5, respectively) and in view of judgment of this Court, dated 14.9.2010 (Annexure P-6), being 1984 Sikh riot victims. Further, a direction has been sought to the respondents to take action on the representation dated 3.11.2016 (Annexure P-10) moved by the petitioners. Prayer has also been made for quashing the order dated 11.8.2015/3.7.2015 (Annexure P-4).

2. The petitioners are 1984 riot victims and Sikh migrants holding Red Cards including Red Card dated 1.4.1986 (Annexure P-1) of petitioner

No.1. They are living at Mohali at the addresses as mentioned in para 3 of

the writ petition. State of Punjab issued a policy dated 3.11.2008 (Annexure P-2) for regularization of possession of the riot victims at the rates so fixed in the year 1991-92 as per policy dated 29.9.2011 (Annexure P-3). Respondent No.2 vide order dated 11.8.2015/3.7.2015 (Annexure P-4) had rejected the claim of the petitioners. The policy dated 3.10.2016 (Annexure P-5) was issued by the State of Punjab. Similar CWP No. 16345 of 2009 titled as Kuljit Singh and others v. State of Punjab and another was disposed of by this Court vide order dated 14.9.2010 (Annexure P-6) directing that possession be regularized to riot victims. The said order was upheld by this Court vide order dated 15.2.2011 (Annexure P-7) in LPA No. 260 of 2011. Similar matter bearing CWP No. 17206 of 2016 came up before this Court and this Court vide order dated 24.8.2016 (Annexure P-8) disposed of the said writ petition with a direction to respondent No.2 to decide the representation of the petitioner therein within a period of three months from the date of receipt of the copy of the order. Similar orders (Annexure P-9 Colly) were passed by this Court in CWP Nos. 7089 of 2011, 872 of 2012 and 14100 of 2015. Accordingly, the petitioners moved a representation dated 3.11.2016 (Annexure P-10) to the respondents for regularization of their possession, but no response has been received till date. Further, one Opinder Kaur had been allotted flat vide allotment letters dated 29.8.1996/4.9.1998 (Annexure P-11 Colly). Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 3.11.2016 (Annexure P-10) 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.2 to take a decision on the representation dated 3.11.2016 (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

December 7, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No