

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-25921-2016

Date of decision: 22.12.2016

Krishan Kumar

..... Petitioner

Versus

Ludhiana Improvement Trust and another

..... Respondents

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

PRESENT: Mr. Rajat Malhotra, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *Certiorari*, for setting aside the order/letter No. 2509 dated 06.05.2016 (Annexure P-1) issued by respondent No. 2. Further, a direction may be issued to the respondents to decide the case of the petitioner in consonance with the rules and guidelines issued by the Department of Local Bodies, Punjab Government, vide letter dated 11.03.2013 (Annexure P-16) and to execute the sale deed in favour of the petitioner in terms of the allotment made vide Resolution No. 24 dated 13.11.1975 (Annexure P-4).

2. Learned counsel for the petitioner has produced in Court the photographs of the site, in terms of the order dated 15.12.2016. The same are taken on record, subject to all just exceptions. Learned counsel for the petitioner has referred to letter dated 06.05.2016 (Annexure P-1) to show

that the allotment has already been cancelled by the Trust being in violation

of rules vide resolution No. 87 dated 30.05.1995. Reference was also made to an order dated 17.07.1996 (Annexure P-10) passed by this Court in **CWP-11517-1995, (Bal Mukand Sharma Vs. State of Punjab and others)**, whereby the said resolution was set aside by this Court. It was urged that in view thereof, Annexure P-1 was unsustainable. Besides, it was contended that the order/letter Annexure P-1 is a non-speaking order and passed without affording an opportunity of hearing to the petitioner.

3. After hearing learned counsel for the petitioner, perusing the averments made in the present petition and without expressing any opinion on the merits of the controversy, we permit the petitioner to file a detailed and comprehensive representation before respondent No. 2, raising all the pleas as have been sought to be raised in the present writ petition. It is directed that in the event of filing such representation by the petitioner, respondent No. 2 shall decide the same after affording an opportunity of hearing to the petitioner and by passing a speaking order, in accordance with law.

4. It is clarified that anything observed here-in-above shall not be taken as an expression of opinion on the merits of the controversy while passing the speaking order by respondent No. 2.

5. The instant petition stands disposed of.

**(AJAY KUMAR MITTAL)
JUDGE**

December 22, 2016
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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No