

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.3746 of 2016(O&M)

Date of Decision: 28th July, 2016

Sunil Kumar 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. R.V.S. Chugh, Advocate for the petitioners
in CWP Nos.3746 & 5357 of 2016.

None for the petitioners in CWP No.6852 of 2016.

Mr. Alok Jain, Addl. A.G., Punjab.

Mr. D.V. Sharma, Sr. Advocate with
Ms. Eshjyot Walia, Advocate for GLADA.

Mr. Adarsh Jain, Advocate for the allottees.

Ajay Kumar Mittal, J.

Civil Misc. Nos.8700, 8702 and 8703 of 2016

1. Separate additional affidavits of the Estate Officer, Greater Ludhiana Area Development Authority, GLADA Bhawan, Ferozepur Road, Ludhiana filed along with the applications separately are taken on record, subject to all just

exceptions. Applications stand disposed of.

Main case

2. This order shall dispose of Civil Writ Petition Nos.3746, 5357 and 6852 of 2016 as learned counsel for the parties state that the issue involved therein is identical. However, the facts are being taken from CWP No.3746 of 2016.

3. In CWP No.3746 of 2016, the petitioners pray for quashing the draw of lots stated to have been conducted by respondents No.2 and 3 on 15.02.2016 for allotment of residential plots in Sector 38, Samrala Road, Ludhiana and Dugri Phase II & III, Bye Pass, Ludhiana. Further prayer has also been made for issuance of a direction to the respondents to re-conduct the draw of lots for allotment of the aforesaid residential plots in a fair and transparent manner and issuance of allotment letters to the alleged successful applicants be stayed.

4. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. In the year 2015, the respondents issued an advertisement for allotment of residential plots in Sector-38, Samrala Road, Ludhiana and Dugri Phase II & III, Bye Pass, Ludhiana for different categories of plots. The scheme of the allotment was floated on 05.12.2015 and was to be finalized on 13.05.2016. The respondents issued advertisement brochure at the cost of ₹ 500/- per brochure. As per the advertisement, there were 27 plots of 250 square yards for General Category in Sector-38, Samrala Road, Ludhiana and 14 plots of 401 to 500 sq. yards for General Category in Dugri Phase II & III, Bye

Pass, Ludhiana. The said scheme was closed on 04.01.2016 and the respondents were to display the list of the applicants on the Notice Board/Website by 04.02.2016 and the date for any objections/corrections to be intimated by the applicants was fixed as 15.02.2016. The final list of the applicants was to be displayed on 28.02.2016. The draw of lots was to be held on 15.03.2016 and the result was to be uploaded on the website on 20.03.2016. In pursuance to the said advertisement, the petitioners had submitted their duly filled application forms along with the earnest money of 10% of the price of plots which was got financed by them from the bankers. Petitioner Nos.1, 3 to 5 applied for residential plots of 250 sq. yards for General Category in Sector-38, Samrala Road, Ludhiana and petitioner No.2 had applied for plot of 401-500 sq. yards for General Category in Dugri Phase II & III, Bye Pass, Ludhiana (Annexure P-2) (colly.). Since the respondents were to intimate objections/corrections to the applicants on 15.02.2016, the petitioners approached the office of respondents No.2 & 3 on 19.02.2016 for verifying as to whether their application forms had been accepted or there were any discrepancies which were required to be corrected as per the advertisement brochure. The petitioners were surprised to find out that the respondents had already conducted the draw of lots on 15.02.2016 and the list of successful applicants for the aforesaid residential plots was displayed on the notice board of the office of respondents No.2 and 3. After getting surprised, the petitioners inquired from the office of respondents No.2 and 3. They came to

know that the rules and the terms and conditions of the advertisement brochure had been changed by the respondents for some extraneous reasons and to the benefit of their near and dear ones. Aggrieved thereby, the petitioners moved a representation dated 19.02.2016 (Annexure P-5) to respondent No.2 to declare the said result as wrong and further to conduct the draw of lots on 15.03.2016 as specified in the aforesaid advertisement but no reply has been received till date. Hence, the present writ petition.

5. A written statement has been filed on behalf of respondent Nos. 2 and 3 by Estate Officer, Greater Ludhiana Area Development Authority (GLADA) wherein it has been inter alia stated that public notice dated 28.1.2016 was issued vide which the draw of lots was re-scheduled. The information was simultaneously put on the website of the department. In place of 15.3.2016, the draw of lots was rescheduled for 15.2.2016 in public interest. Further the rights of 123 applicants who had been successful in the draw of lots held on 15.2.2016 would be affected as they are not party in the writ petition. Some of the applicants had already sought the refund of the earnest money when they were found unsuccessful in the draw of lots. After the public notice regarding rescheduling the draw of lots, a corrigendum dated 29.12.2015 was also published in the newspapers to the effect that in the reserved category of serving and retired defence persons and paramilitary forces, the number of plots should be read as one instead of two in the 401 to 500 square yards size in the brochure published by the office of GLADA. It

has been further stated that applicants from far away places such as Delhi, Jind, Ferozepur, Amritsar, Chandigarh etc. had attended the draw of lots and out of the general public, 100 persons had marked the attendance sheet. As per the new schedule, the list of objections on the applications was uploaded on 8.2.2016 on website of GLADA. The names of the petitioners were duly included in the draw of lots held on 15.2.2016 in which the petitioners were not successful. The list of successful candidates was also uploaded on the website of GLADA on 17.2.2016 as per the changed schedule. The draw of lots was also videographed. On these premises, prayer for dismissal of the petition has been made.

6. We have heard learned counsel for the parties.

7. After perusing the averments made in the writ petition, written statement and hearing learned counsel for the parties, we find substance in the stand taken by the respondents. Admittedly, a scheme for allotment of 123 freehold residential plots at Sector 38 and Dugri Phase II and III, Bye-Pass, Ludhiana was floated on 5.12.2015 which was closed on 4.1.2016. Public notices were published in various newspapers in this regard. A corrigendum dated 29.12.2015 was also published regarding correction qua number of plots for reserved category of serving and retired defence persons and paramilitary forces. Originally, the draw of lot was scheduled for 15.3.2016 but the same was preponed to 15.2.2016 in the public interest for which public notices were published in the various newspapers dated 28.1.2016. The schedule given in the brochure was modified regarding

objections/corrections to be intimated by the applicants and display of final list of applicants etc. Simultaneously, the information was put on the website of GLADA. The applicants were duly intimated about the changed schedule as is evident from Annexure R.2/3. The draw of lots was also videographed. The applicants from far away places attended the draw. Further, the names of the petitioners were duly included in the draw of lots held on 15.2.2016 in which they were not successful. The list of successful candidates was also uploaded on the website of GLADA on 17.2.2016 as per the changed schedule. Learned counsel for the petitioners has not been able to produce any material on record to show that any prejudice has been caused to the petitioners due to preponing the date of draw of lots to 15.2.2016 or that the petitioners were not aware of the changed schedule. Moreover, the totality of facts and circumstances noticed hereinbefore shows that the respondents had carried out the draw of lots on 15.2.2016 in a transparent manner. Consequently, finding no merit in the petitions, the same are hereby dismissed.

(Ajay Kumar Mittal)
Judge

(Ramendra Jain)
Judge

July 28, 2016
'gs'

Whether speaking/reasoned? Yes/No

Whether reportable? Yes