

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.6127 of 2015
Date of Decision: February 02, 2016

Manjit Singh

....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Vipin Mahajan, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.Vinay Kumar Malhotra, Advocate,
for respondent No3.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

The land of the petitioner's father (late Partap Singh) measuring 8 kanal 11 marla as described in para No.2 of the writ petition, was acquired by the State of Punjab for its utilization by the Improvement Trust, Amritsar, for the Scheme known as 'Truck Stand Area Development Scheme'. The Award was passed on 03.08.1978.

[2] It appears that the petitioner's father died even before passing of the Award, i.e., on 26.06.1975. The land was thus mutated in favour of the petitioner and his mother Ishar Kaur.

[3] The petitioner is said to have applied for allotment of a plot under the category of 'Local Displaced Persons' in accordance with the Rules framed by the State Government.

The application was submitted in the year 1980. The petitioner claims that he has been pursuing the matter with the Improvement Trust who finally passed resolution No.48 dated 29.05.2013 resolving allotment of 400-500 square yards plot to him. The said resolution is subject to approval of the State Government for which the matter has been sent but no decision appears to have been taken by the State Government. The Improvement Trust has vide memo dated 17.07.2013 (P-9) and 04.07.2014 (P-10) requested the State Government to take a decision on the above-mentioned resolution passed by it. As no such decision was taken, the instant writ petition has been filed.

[4] The Improvement Trust, Amritsar, has filed its reply-affidavit and in para Nos.12 & 13 thereof, the factum of passing resolution in favour of the petitioner is duly admitted. The communications sent to the State Government for necessary approval are also not disputed.

[5] No reply has been filed by the State Government. There is no explanation for not taking any decision re: approval of the resolution passed by the Improvement Trust in the year 2013.

[6] We thus dispose of this writ petition with a direction to respondent Nos.1 & 2 to call for the records and take an appropriate decision in respect of resolution No.48 dated 29.05.2013 passed by the Improvement Trust, Amritsar, within a period of three months from the date of receiving a certified copy of this order.

[7] However, having regard to the delay factor which is partly attributable to the petitioner also and following the view already taken by this Court in CWP No.11425 of 2015

(loginder Singh versus State of Punjab and another) decided on 01.09.2015, it is directed that in case the resolution is approved, the allotment shall be made at the current allotment price and not at the old rates.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 02, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE