

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 7356 of 2016

Date of Decision: 7.10.2016

Harjinder Singh and another

....Petitioners.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. S.S. Salar, Advocate for the petitioners.

Mr. Rajinder Goyal, Additional Advocate General, Punjab.

None for respondent No.2.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing respondent No.2 to consider their claim and allot a 500 square yard plot to them being the local displaced persons.

2. Shri Surjit Singh, father of petitioner No.1 and husband of petitioner No.2 was owner of 1/3rd share of the land measuring 9 kanal 8 marlas, situated at village Sunet, District Ludhiana as per jamabandi for the year 1986-87 (Annexure P-1). The said land was acquired for 550 Acre Development Scheme vide award dated 19.4.1974. The Improvement Trust invited applications for the allotment of plots. In response thereto, said Surjit Singh applied for the allotment of a plot which is discernible from the

letter dated 2.7.1974 (Annexure P-2). No earnest money was required to be

deposited by Surjit Singh, but later on he deposited the earnest money vide receipt dated 28.7.1987 (Annexure P-3). As per death certificate (Annexure P-4), said Surjit Singh died on 25.8.1987. Surjit Singh executed a Will dated 12.8.1987 (Annexure P-5) in favour of the petitioners and his mother Smt. Tej Kaur. A public notice dated 16.11.1992 (Annexure P-6) was published in the Tribune that the local displaced persons who have deposited the earnest money to appear before respondent No.2 along with the relevant papers. The petitioners appeared and showed papers to respondent No.2. Another public notice dated 3.1.1998 (Annexure P-7) was published in the newspaper asking the local displaced persons to appear before respondent No.2. The petitioners appeared before respondent No.2 on 16.1.1998 at 11.00 AM along with the papers. However, no plot was allotted to the petitioners. The petitioners wrote a letter dated 26.9.1999 followed by a representation dated 23.7.2000 to respondent No.2 for the allotment of a plot, but all in vain. Again a public notice dated 28.3.2000 (Annexure P-8) was issued and in response thereto, the petitioners moved a representation dated 6.4.2000 (Annexure P-9) to respondent No.2 for the allotment of a plot being local displaced persons. One Didar Singh deposited the earnest money vide receipt dated 29.11.1990 (Annexure P-10) and his land was acquired in 1974, was allotted plot No. 223-C, Model Town Extension, Part II Scheme vide allotment letter dated 2.5.1990 (Annexure P-11). Similarly, Rattan Singh, Harnam Kaur and Subhash Chander were allotted plots vide allotment letters dated 28.1.1991 (Annexure P-12), dated 19.11.1990 (Annexure P-13) and dated 29.12.1989 (Annexure P-14). Said Subhash Chander deposited the earnest money vide receipt dated 23.11.1989 (Annexure P-15). Banarsi Dass was allotted a plot

vide allotment letter dated 6.3.1990 (Annexure P-16) who deposited the earnest money vide receipt dated 17.11.1989 (Annexure P-17). Smt. Amrit Kaur was allotted plot vide allotment letter dated 19.5.1990 (Annexure P-18) whereas she had deposited the earnest money vide receipt dated 23.6.1981 (Annexure P-19). Gurbax Singh was allotted plot vide allotment letter dated 11.9.1990 (Annexure P-20) who had deposited the earnest money vide receipt dated 3.9.1990 (Annexure P-21). Harchand Singh, Hardev Singh and Rajinder Singh were allotted a plot vide allotment letter dated 31.10.1990 (Annexure P-22) who have deposited the earnest money vide receipt dated 31.8.1990 (Annexure P-23). Pritam Singh and Karam Singh alias Mohinder Singh were allotted plots vide allotment letters dated 11.9.1990 (Annexure P-24) and dated 9.11.1990 (Annexure P-26) whereas they had deposited the earnest money vide receipts dated 11.9.1990 (Annexure P-25) and dated 8.11.1990 (Annexure P-27). Some persons filed various writ petitions including CWP No. 373 of 2003 in the respondent No.2 filed an affidavit stating that the applications of the local displaced persons were pending considerations and their cases are still to be considered. This Court disposed of the said writ petition with a direction to consider their cases after constituting a committee consisting of the Chief Secretary, Punjab, the Principal Secretary, Local Government and the Chairman of the Improvement Trust, Ludhiana. Thereafter, Government of Punjab vide letter dated 19.5.2006 (Annexure P-28) directed all the Improvement Trusts to take out the exercise of consideration of all the applications of the local displaced persons. Accordingly, the petitioners moved a representation dated 1.6.2006 (Annexure P-29) to respondent No.2 for the allotment of a plot being a Local Displaced Person, but to no effect.

In pursuance to the letter dated 19.5.2016 (Annexure P-28), respondent No.2 had started the process of allotment. However, the claim of the petitioners and other similarly situated persons was not considered in terms of the letter, Annexure P-28. The Government vide order dated 4.7.2008 (Annexure P-30) ordered that a plot be allotted to one Gurdev Singh. Similarly, Amrit Pal Singh Grewal and GPS Grewal have been allotted a plot vide order dated 5.3.2007 (Annexure P-31). Some other persons have also been allotted plots under the local displaced persons category. Some of persons have filed various writ petitions including CWP Nos. 1603, 4200, 6356, 8190, 8229 and 9470 of 2012 and this Court vide order dated 8.10.2012 (Annexure P-32) disposed of the said writ petitions with a direction to respondent No.2 to consider their cases. In pursuance thereto, the petitioners submitted a representation dated 8.11.2014 (Annexure P-33) to respondent No.2 for the allotment of a plot being local displaced persons, but no response has been received till date. One Gurnam Singh filed CWP No. 8775 of 2014 which was disposed of by this Court vide order dated 8.5.2014 (Annexure P-34) with a direction to take the decision on the pending application. Said Gurnam Singh was allotted plot No. 60-E, Rishi Nagar, Ludhiana vide resolution, Annexure P-35. 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 representations dated 1.6.2006 (Annexure P-29) and dated 8.11.2014 (Annexure P-33) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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 representations dated 1.6.2006 (Annexure P-29) and dated 8.11.2014 (Annexure P-33), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 7, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No