

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

CWP No. 14922 of 2014 (O&M)  
Date of decision : September 15, 2017

Gajjan Singh

..... Petitioner

v.

State of Punjab and another

..... Respondents

\*\*\*

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

\*\*\*

Present : Mr. SS Salar, Advocate  
for the petitioner.

Mr. HS Sitta, AAG Punjab

Mr. Nitin Kaushal and Ms. Neeta Bansal, Advocates  
for respondent No.2.

\*\*\*

**Ajay Tewari, J (Oral)**

By this writ petition, the petitioner has challenged the action of respondent No.2-Trust in charging the price of the allotted land as per the rates of 2014 instead of the rates of 2005 when he applied for allotment or even 2012 when the allotment was approved.

The case of the respondents, on the other hand, is that the land of the petitioner was acquired in the year 1976, the trust had deposited the entire amount as well as the subsequent enhancement by September 2001 but despite the same the petitioner had not handed over possession of the entire land. In fact, on 14.8.2002 the then Administrator had gone to take

possession along with police party but the petitioner had resisted the possession and rather opened fire as a result of which one officer of the Trust died and another one was seriously injured. It is also not disputed that ultimately possession of 43 kanals 1 marla of acquired land was handed over by the petitioner only in 2012. After possession was taken from him, approval was granted to allot him a plot in the category of local displaced person but by the time the letter was issued the rate was increased and this is the increase of rate which has been challenged by the petitioner.

Counsel for the petitioner has relied upon Brij Mohan & Ors v. Haryana Urban Development Authority, 2011 AIR (SC) 343, Kapil Kumar v. State of Punjab and another, CWP No.8458 of 2014, decided on 2.9.2015, and Mata Vaishno Devi Mandir Sabha (Regd) v. State of Punjab and another, CWP No.22478 of 2013, decided on 22.9.2014 wherein the Courts have dilated on the principle by which prices to be charged from the local displaced persons have to be calculated.

Counsel for the petitioner has also relied upon the Rules of the Trust to contend that the rate which was prevalent in 2005 or at the most in 2012 had to be charged.

I am, however, not impressed by these arguments for the simple reason that despite the land having been acquired in 1976, the petitioner handed over possession thereof only after 36 years in the year 2012. By having illegally and unjustifiably retained possession for such a long time, I do not consider the petitioner to be a person who can invoke the extraordinary jurisdiction of this Court. Consequently, this writ petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

September 15, 2017  
'kk'

( AJAY TEWARI )  
JUDGE

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |