

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11609 of 2017.

Date of Decision: May 25, 2017

Kashmir Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Ms.Navdeep, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner seeks a direction to the Batala Improvement Trust to transfer the ownership of shop No.19, known as Ahata No.35, City Road, Leak-Wala Tank Scheme, Batala, in terms of resolution No.66 dated 30.01.2004 which has been duly approved by the State Government vide memo dated 31.03.2004 and again reiterated in memo dated 03.05.2016 (P-11).

The case of the petitioner is that the above-stated shop was allotted to one Deva Singh son of Sh.Isher Singh. Deva Singh constructed a khokha over the site. Deva Singh died issueless leaving behind the petitioner as his legal heir as the petitioner happens to be younger son of Sadhu Singh who was elder brother of Deva Singh. It is averred that Deva Singh executed a registered Will dated 13.05.1996 bequeathing the said shop in favour of the petitioner. The said Will was duly upheld by the Civil Court at Batala vide judgment and decree dated 18.02.2013 passed in Civil Suit No.789 dated 13.12.2003 and was further upheld by the 1st Appellate Court vide judgment and decree dated 19.09.2016 passed in Civil Appeal No.39 dated 01.04.2013. It is averred that the above-stated judgment and

decree has attained finality. It is further averred that though the Trust has passed a resolution to transfer the ownership of the shop in favour of the petitioner and the said resolution was duly approved by the State Government on two occasions but no formal transfer has been made so far either by executing a Conveyance Deed or otherwise. It is further averred that the petitioner represented the Batala Improvement Trust time and again including vide representation dated 22.09.2016 (P-10) but there is no response thereto.

Having heard learned counsel for the petitioner and considering the nature of relief sought in this writ petition and having regard to the documents relied upon by the petitioner including the civil court judgment and decree, we dispose of this writ petition with a direction to the Chairman/Execution Officer, Batala Improvement Trust, Batala, to call for the records, verify the petitioner's claim and take an appropriate decision within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 25, 2017
mohinder

[HARI PAL VERMA]
JUDGE

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