

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22210 of 2017 (O&M)

Date of Decision: 28.09.2017

Hakam Singh & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Rajnish Gupta, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners are beneficiaries of allotment of 5 marla plots by the Gram Panchayat of their village – respondent No.5. Such plots were to be allotted to BPL families subject to fulfillment of eligibility conditions as per the Government policy.

(2) The PIL was filed in this Court i.e. CWP No.15847 of 2009 alleging large scale irregularities in the allotment of plots by Gram Panchayat primarily pointing out that ineligible persons were given the benefit. This Court directed the Deputy Commissioner to hold a fact finding enquiry and after perusal of the interim report submitted by Deputy Commissioner in respect of the enquiry held against 20 allottees, this Court disposed of the PIL on 09.03.2011 in following terms:-

“The report of the Deputy Commissioner indicates that there are some anomalies in the inclusion of the names of persons in the list (Annexure P-5). We, therefore, direct the Deputy Commissioner, Patiala to extend the scope of the inquiry undertaken by him to all the 213 persons mentioned in the said list (Annexure P-5) and thereafter the appropriate authority will take necessary

consequential action in the light of the said report of the Deputy Commissioner.”

(3) In deference to the above-reproduced order, a detailed fact finding enquiry was held and petitioners are amongst those who are found to be ineligible for the subject allotment. The BDPO Nabha has now served them with the impugned notices, canceling the allotments and directing them to hand over possession of the vacant plots.

(4) The petitioners assert themselves to be eligible for allotment as per the Government policy and claim that they have not been adequately heard by the Enquiry Authority.

(5) In our considered view such like seriously disputed questions of fact cannot be determined in these proceedings more-so when there are multiple authorities in the administrative hierarchy to effectively redress the petitioners' grievances. We thus dispose of the writ petition relegating the petitioners to approach the Deputy Commissioner, Patiala to assert their entitlement, if any, for allotment of plot(s) in question. We have no reason to doubt that the Deputy Commissioner, Patiala shall objectively consider the petitioners' claim. The petitioners shall be at liberty to seek interim relief from the Deputy Commissioner who shall pass an appropriate order on the stay application within one week.

(6) Ordered accordingly.

(Surya Kant)
Judge

28.09.2017
vishal shonkar

(Sudhir Mittal)
Judge