

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.460 of 2016 (O&M)

Date of Decision: 11.07.2017

Daulat Ram & Anr.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDHIR MITTAL**

Present: Mr. Vikram Singh, Advocate for the petitioners

Mr. Rajesh Bhardwaj, Sr.DAG Punjab
Ms. Anu Pal, AAG Punjab

Mr. Umesh Kanwar, Advocate for respondent No.4

SURYA KANT, J. (Oral)

(1) The petitioners are father and son respectively. They belong to Scheduled Tribe community. The first petitioner was allotted a residential plot measuring 5 marla in terms of the Government policy dated 14.08.2008 (R3/1). It appears that the petitioners have constructed a residential house at the site. It is stated that at the time when the allotment was made, there was no residential house owned by the petitioners though subsequently, petitioner No.2 has constructed another house.

(2) Be that as it may, the respondents have suddenly cancelled the allotment vide impugned order dated 21.02.2014 (P5) which has been conveyed by the BDPO to the petitioners subsequently on 01.12.2015 (P6). The grievance of the petitioners is that neither they were heard before canceling the allotment nor any valid or cogent reason is assigned for such cancellation.

(3) We have heard learned counsel for the parties.

(4) It is the conceded position that no show cause notice was issued to the petitioners and they were not heard before cancellation of the allotment.

Since the impugned orders entail civil consequences of depriving the petitioners of their residential house/immovable property, such penal action could not be taken without observing the principles of natural justice and without affording an opportunity of adequate hearing to them. The impugned action is *de hors* of principles of *audi alteram partem*.

(5) Consequently, the writ petition is allowed and the impugned orders dated 21.02.2014 and 01.12.2015 are set aside and the subject allotment is restored in favour of the petitioner No.1. However, if the law so permits, the respondent will be at liberty to take action *re*: cancellation of allotment made to the petitioners in accordance with law.

(Surya Kant)
Judge

11.07.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No