

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.4591 of 2017.

Date of Decision: March 06, 2017

Rajinder Singh and anotherPetitioners

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Harminder Singh, Advocate, for the petitioner.
for the petitioners.

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Surya Kant, J. (Oral)

The petitioners have a long pending dispute with Improvement Trust, Ludhiana, in respect of their land situated within the revenue estate of Village Taraf Burra, Tehsil and District Ludhiana. The predecessor-in-interest of the petitioners had earlier filed Civil Suit in the year 1997 seeking permanent injunction against the Improvement Trust and Municipal Corporation, Ludhiana, for not interfering in their possession over the said land. The suit was decreed and the judgment has attained finality. Thereafter, predecessor-in-interest of the petitioners submitted building-plans to raise construction over the site but no decision was taken thereupon. He filed a writ petition in this Court bearing No.13153 of 2005 which was disposed of with a direction to the respondents to take the decision in a time bound manner. When nothing was done by the respondents, he filed COCP No.1450 of 2007. The Principal Secretary, Department of Local Government, Punjab, was also one of the respondents in the contempt proceedings. The State Government thereafter took a

“.... In view of the above, the claim of the petitioner of declaring the land falling in khasra No.456/2, village Burra, Ludhiana, owned by the petitioner, as situated out of the scheme boundary of Model Town Extension Part-II and for a direction to the LIT and Municipal Corporation, Ludhiana, to sanction the building plan deposited by the petitioner, can not be accepted and the claim is rejected, being devoid of any merit and against the public interest. Further, direction is given to the Improvement Trust, Ludhiana to acquire the land of Khasra No.456/2, village Burra by compulsory acquisition and compensation paid to the owner in due course.

A copy of this order may be sent to the petitioner, Administrator, IT, Ludhiana and Commissioner, M.C. Ludhiana, for favour of information and compliance....”

(emphasis applied)

The grievance of the petitioners in the instant writ petition is that despite the above reproduced decision taken by the State Government, neither their land has been acquired nor the building plans submitted by them are being sanctioned. The matter is lying stand-still for the last more than eight years. The petitioners have served the State Government as well as the Improvement Trust and Municipal Corporation, Ludhiana, with the legal notices dated 02.07.2014 (P-6) and 22.08.2016 (P-7). There is no response to the legal notices as well.

We have heard learned counsel for the petitioners.

It appears *prima-facie* that the Improvement Trust, Ludhiana is obligated to comply with the Government order dated 25.11.2008/10.12.2008 and take an appropriate decision either to acquire the petitioners' land and pay them compensation in accordance with law or sanction their building-plans in accordance with the housing bye-laws.

Let such a decision be accordingly taken within a period of four months from the date of receiving a certified copy of this order.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 06, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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