

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.4906 of 2017.

Date of Decision: March 09, 2017

Welfare Society H & I Blocks (Regd.)

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Rajesh Punj, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner claims itself to be a Social Welfare and Charitable Society duly registered under the Societies Registration Act. It is said to have been constituted by residents of Bhai Randhir Singh Nagar, Ludhiana. The residential colony has been developed by the Improvement Trust, Ludhiana-respondent No.2. The Improvement Trust allotted a plot measuring 2000 square yard to the petitioner-Society in the year 1985 for construction of Community Centre in the above-stated residential colony.

[2] From the documents on record especially the impugned order dated 14.09.2016/04.10.2016 (P-20), it appears that the petitioner-Society has not paid the allotment price as from the very beginning it has been disputing the reserve price fixed by the Trust. Consequently, the site was resumed in the year 2014. It is pertinent to mention here that the Society has constructed the Community Centre and as per the allegations, the said building is mis-used for commercial activities.

[3] Having found that the petitioner-Society is not depositing the due amount or that it is mis-using the Community Centre building, the

authorities have declined to restore the allotment.

[4] The petitioner-Society thereafter is said to have represented the Improvement Trust, Ludhiana to point-out the actual dues as on date alongwith interest/penal interest and surcharge etc. payable by it.

[5] Since the petitioner is showing its willingness to pay the pending dues, let the Improvement Trust, Ludhiana decide its representation within one week from the date of receiving a certified copy of this order, informing the petitioner the due amount as also the specific nature of mis-use of the Community Centre which might have been noticed during inspection. If the petitioner deposits the due amount without protest and further undertakes not to mis-use the premise, it shall be at liberty to represent the Improvement Trust for restoration of the site. An appropriate decision in this regard shall be taken by the Competent Authority within a period of three months from the date of receipt of representation.

[6] The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

March 09, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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