

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 4211 of 2003

Date of decision: March 13, 2018

Baldev Kaur (Died) through L.Rs.

... Appellants

Vs.

The Phagwara Improvement Trust and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sukhdeep Parmar, Advocate
for the appellants.

Mr. R.D. Bawa, Advocate
for the respondents.

SURINDER GUPTA, J

Plaintiff-appellant filed suit for direction to the defendants-respondents that she be allotted plot in Scheme No.3, Shaheed Bhagat Singh Nagar, Hoshiarpur Road, Phagwara, under special reserved category of terrorist affected persons, which was dismissed by the learned Additional Civil Judge (Senior Division), Phagwara and appeal filed by her also met the same fate.

On perusal of the judgments of the courts below, it transpires that in Scheme No.3, there was 20 plots of 100 sq. yards each, out of which 5% were reserved for terrorist affected persons, which means that there was only one plot reserved for this special category and the appellant was one of the applicant for this plot. It was also proved that Scheme No.3 was not implemented as Improvement Trust could not take possession of the land over which plots were to be carved out under this scheme as there was *abadi* on that land and virtually the scheme failed. Both the courts below

dismissed the suit of plaintiff-appellant on the ground that there was no land available with the defendant for allotment of plot, as such, the plaintiff only on the basis of the application filed by her does not become entitled to allotment of such plot.

At this stage, it has been pointed out that plaintiff was allotted duplex on her fresh application and the allotment of that duplex has been challenged by filing Civil Writ Petition No. 4302 of 2004.

On perusal of the judgments of both the courts below, I find no legal or factual infirmity therein calling for interference.

No substantial question of law arises in this appeal, which has no merits.

Dismissed.

March 13, 2018

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**(Surinder Gupta)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No