

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

- 1 -

CWP-10884-2016

212

Date of Decision: 24.04.2018

NEW AMRITSAR RESIDENTS WELFARE ASSOCIATION

....Petitioner(s).

Versus

STATE OF PUNJAB AND ORS.

...Respondent(s).

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Ms. Harpreet Kaur Dhillon, Advocate
for the applicant-petitioner.

Mr. Jagmohan S. Ghuman, DAG, Punjab.

Mr. Amit Sethi, Advocate for respondent No.2.

Mr. Harkiran Singh, Advocate for respondent No.4.

Mr. V.K. Sandhir, Advocate for respondent No.5.

ANUPINDER SINGH GREWAL, J.

The petitioner-Association is seeking a direction to the respondents No.1 to 3 to allot land reserved for Mandir and Gurudwara in the 340 Acre Scheme (Bhai Gurdas Ji Nagar) at New Amritsar. It has also sought quashing of Resolution/Order No.27 dated 03.05.2016 (Annexure P-6) vide which, land is sought to be allotted to the private respondents.

2. It is stated that the petitioner-Association had made an application to the Improvement Trust, Amritsar for allotment of land up to 1000 square yards for construction of Mandir/Temple and Gurudwara in the layout plan of Bhai Gurdas Ji Nagar (340 Acre Development Scheme). The proposal of the petitioner-Association

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

- 2 -

CWP-10884-2016

had been considered and approved by Resolution No.51 dated 25.11.2010 passed by Improvement Trust. This Resolution was approved by the State Government on 15.04.2013. The petitioner-Association was not handed over possession of the land instead, the official respondents issued an advertisement for allotment of the land on 01.04.2016. Advertisement was issued in newspaper for inviting applications for allotment but reasonable time was not granted for making applications as the entire exercise was done within a period of one week to favour the private respondents. The petitioner-Association was not even informed about the action of the official respondents although, they had been duly allocated land in terms of the previous Resolution approved by the State Government.

3. While issuing notice of motion on 28.05.2016 to the respondents, this Court had directed that the work shall not commence till 20.07.2016. The interim order is continuing till date through subsequent orders of this Court.

4. After hearing learned counsel for the parties, we are of the considered view that the petitioner-Association has not availed the remedy of appeal provided under Section 72-E of the Punjab Town Improvement Act, 1922. Section 72-E of the Act is reproduced hereunder:-

“72-E Power of State Government and its officers over trusts. – (1) The State Government and Deputy Commissioners acting under the orders of the State Government shall be bound to require that the proceedings of trusts shall be in conformity with law and with the rules in force under any enactment for the time being applicable

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

- 3 -

CWP-10884-2016

to Punjab generally or the areas over which the trusts have authority.

(2) The State Government may exercise all powers necessary for the performance and may among other things, by order in writing, annul or modify and proceedings which it may consider not to be in conformity with law or with such rules as aforesaid, or for the reasons, which would in its opinion justify an order by the Deputy Commissioner under Section 72-B.

(3) The Deputy Commissioner may, within his jurisdiction for the same purpose exercise same powers as may be conferred upon him by rules made in this behalf by the State Government.”

5. Therefore, the petitioner-Association would be at liberty to file an appeal before the competent authority in terms of Section 72-E of the Punjab Town Improvement Act, 1922 within a period of one month from now. In the event of the petitioner-Association preferring such an appeal, the same shall be decided by the competent authority within a period of three months from the date of its receipt and till a decision is taken, the parties shall maintain status quo with regard to the site in question.

6. The petition stands disposed of accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

24.04.2018

SwarnjitS

Whether speaking/reasoned :
Whether reportable :

YES/NO
YES/NO