

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.12314 of 2016

Date of Decision: July 26, 2018

Amarjeet Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.Naresh Kaushal, Advocate, for the petitioner.
Mr.Sandeep Vermani, Additional AG, Punjab.
Mr.Sanjeev K.Sharma, Senior Advocate with
Ms.Manreet Kaur, Advocate, for respondent Nos.2 to 4.

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Surya Kant, J. (Oral)

The question which arises for consideration in this case is whether the petitioner is entitled to allotment of one kanal plot under the 'Oustees Category' by clubbing the two separate acquisitions of land, total measuring 45 kanal 14 marla, situated within the revenue estate of village Sohana, District SAS Nagar Mohali, which was owned by the petitioner's grand-mother Smt.Surjit Kaur and was acquired by the State of Punjab vide two different awards No.422 dated 12.7.1984 and 481 dated 17.05.2001?

The grand-mother of the petitioner had earlier approached this Court by way of CWP No.17378 of 2012 giving instances where, in terms of the Policy circular dated 08.11.1993, the authorities clubbed the acquired land of ex-appropriated owners and considered their eligibility for allotment of plots under the 'Oustees Category' on the basis of their total acquired land. Smt.Surjit Kaur relied upon 11 such instances of allotment by

clubbing. Her writ petition was disposed of by this Court vide order dated 06.09.2012 in the following terms:-

“.... Keeping in view the fact that the claim of the petitioner is still pending consideration, we deem it appropriate to dispose of this writ petition with a direction to respondent Nos.2 to 4 to consider and dispose of the above mentioned claim of the petitioner by passing a speaking order in accordance with the Government Policies, referred to above and the instances relied upon by the petitioner, within a period of three months from the date of receiving a certified copy of this order.

The grievance in the instant writ petition is that neither in the speaking order dated 21.02.2013 (P-10) passed in purported compliance of the above reproduced directions nor in their reply filed before this Court, GMADA has explained as to how the acquisition of land made vide different awards could be clubbed for the purpose of determining eligibility for allotment of plots under the 'Oustees Category' in the instances relied upon by the petitioner and if so, why no benefit has been extended to him or his grand-mother.

We have heard learned counsel for the parties and are of the considered view that the discrimination alleged by the petitioner on the strength of specific instances deserves to be specifically considered and addressed by the authorities. Since there is not even a whisper in the impugned order or the written statement, the writ petition is allowed in part to the extent that the impugned order dated 21.02.2013 passed by the Estate Officer, GMADA, SAS Nagar Mohali is quashed and the said Authority is directed to re-consider the petitioner's claim in the light of the policy read with the instances of discrimination relied upon him. An appropriate order

be passed within a period of three months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

July 26, 2018

mohinder

(SUDIP AHLUWALIA)
JUDGE

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