

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

- [1] Civil Writ Petition No.15343 of 2015
Date of Decision: July 18, 2018
Ranjit Singh and anotherPetitioners
versus
State of Punjab and anotherRespondents
- [2] Civil Writ Petition No.18760 of 2015
Jagtar Singh and othersPetitioners
versus
State of Punjab and anotherRespondents
- [3] Civil Writ Petition No.21735 of 2015
Prem Lata and othersPetitioners
versus
State of Punjab and anotherRespondents
- [4] Civil Writ Petition No.9349 of 2016
Baldev Raj VermaPetitioner
versus
State of Punjab and anotherRespondents
- [5] Civil Writ Petition No.7301 of 2017
Jawahar Lal MahendruPetitioner
versus
State of Punjab and anotherRespondents

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

Present: Mr.Sandeep S.Majithia, Advocate,
Mr.Himanshu Chhabra, Advocate, for
Mr.Jaideep Verma, Advocate,
Mr.S.S.Salar, Advocate, for the petitioner(s).
Mr.Sandeep Vermani, Additional AG, Punjab
Mr.Vinod S.Bhardwaj, Advocate,
Mr.Sanjeev Sharma, Advocate,
Mr.Neeraj Sharma, Advocate, for respondent No.2..

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Surya Kant, J. (Oral)

This order shall dispose of CWP Nos.15343, 18760, 21735 of 2015; 9349 of 2016 and 7301 of 2017 as common questions of law and facts are involved in these cases.

The petitioners applied for allotment of residential plots under “475 Acres Development-cum-Housing Accommodation Scheme” which was floated by Ludhiana Improvement Trust vide advertisement dated 08.10.1982. It appears that some of the applicants were allotted plots in the year 1999 @ Rs.1455/- per square yard, as it was prevalent at that time. No allotment was made to the petitioners as according to the stand taken by the respondent-Trust in its reply, there was a dispute with regard to the land where the Scheme was to be floated. Eventually, the dispute was over and the Scheme was given effect. Some other persons were then allotted plots in the year 2012 @ Rs.5288/- per square yard. The respondents have taken the stand that the plots in the years 1999 and 2012 were allotted in compliance to the directions issued by one or the other legal forum and no allotment was made voluntarily by the Trust.

Be that as it may, the petitioners were allotted plots in the year 2015 @ Rs.15,600/- per square yard. Their short grievance in these writ petitions is that they have been subjected to hostile discrimination and an highly exorbitant rate of allotment has been imposed on them as compared to similarly placed allottees under the same Scheme.

The respondent-Trust has attempted to justify its action on the premise that as per its Pricing Policy there is annual increase in the rate of allotment and applying that principle in the cases in hand, the rate of

allotment as prevalent in the year 2015 has been uniformly charged.

We have heard learned counsel for the parties at a considerable length and gone through the record.

We are of the considered view that pricing is a matter of policy which has to be taken by the policy makers keeping in view various relevant factors like cost of the land, development cost, past and future enhancements in compensation, if any, maintenance of public amenities and facilities, allocation of land free of cost for the amenities like parks, hospitals, schools etc. At the same time, the Public Authority is obligated to keep in view that such like Schemes are not launched with the sole motive of profit earning. To say it differently, various factual issues are involved in the determination of fair and reasonable allotment price. Since both the sides have come up with their view-point on the issue, we deem it appropriate to dispose of these writ petitions with a direction to the Principal Secretary, Department of Local Bodies, Punjab to call for the records; hear the petitioners as well as the Improvement Trust and decide the above-stated controversy by way of a reasoned order, within a period of four months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

July 18, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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