

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10302-2018

Date of Decision: 26.4.2018

Jaspal Kaur

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Himanshu Chhabra, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot a plot to her under the oustees policy dated 17.4.1974 (Annexure P-1).

2. S/Shri Kartar Singh and Sikander Singh were owners in possession of the land situated within the revenue estate of village Dugri, Tehsil and District Ludhiana. Government of Punjab acquired the said land vide notification dated 2.2.1975 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 24.3.1975 under Section 6 of the Act for residential Urban Estate, Ludhiana. Government of Punjab framed a policy dated 17.4.1974 (Annexure P-1) for the allotment of a plot to a person whose land had been acquired. The said policy was amended vide policies dated 29.9.1981, 26.5.1983 and 26.6.1994

Singh applied for a plot under the oustees category vide application dated 5.7.1981 (Annexure P-5) and also offered to deposit the requisite amount. They moved various representations followed by the reminders for the allotment of plot under the oustees category, but to no effect. Unfortunately, Shri Kartar Singh had expired on 22.8.2003. He was bachelor and was residing with his brother Shri Sikander Singh. He had executed a registered Will dated 18.1.2001 in favour of daughter-in-law of Shri Sikander Singh, namely, Smt. Jaspal Kaur (petitioner). The petitioner and Shri Sikander Singh moved an application dated 4.1.2004 (Annexure P-6) along with the death certificate dated 19.9.2003 (Annexure P-7) for impleading the legal heirs of Late Shri Kartar Singh. Thereafter, the petitioner and Shri Sikander Singh moved the representations dated 16.4.2005, 11.9.2006, 8.1.2007 and 25.7.2009 for the allotment of a plot under the oustees category, but all in vain. However, Shri Sikander Singh had also expired on 14.12.2010 as is clear from the death certificate dated 3.1.2011 (Annexure P-8). He had executed a registered Will dated 6.6.2007 in favour of her daughter-in-law (the petitioner). The petitioner moved an application dated 15.4.2011 (Annexure P-9) to implead her as legal heir of Shri Sikander Singh and to place on record the death certificate. Thereafter, the petitioner moved various representations including the representation dated 12.11.2017 (Annexure P-10) to respondent No.4 for the allotment of a plot under the oustees quota, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner had moved various representations including the representation dated 12.11.2017 (Annexure P-

10) to respondent No.4, but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioner to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioner within a period of one month from the date of receipt of the certified copy of the order, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of six months from the date of receipt of the representation. The petitioner shall be entitled to lead any evidence to substantiate her claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 26, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No