

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10808-2018

Date of Decision: 2.5.2018

Gurminder Singh Badesha

....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 him under the oustees policy dated 17.4.1974 (Annexure P-1).

2. Late Shri Ajaib Singh and his brother Late Shri Sant Singh were owners in possession of the land to the extent of their respective shares 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 (Annexures P-2 to P-4, respectively). Late Shri Ajaib Singh and Late Shri Sant Singh had applied for a plot under the oustees category vide application dated

29.11.1979 (Annexure P-5) and also offered to deposit the requisite amount. Shri Ajaib Singh had expired on 21.6.1980 as is clear from the death certificate (Annexure P-6) leaving behind his widow Smt. Ranjit Kaur and son Shri Buta Singh who moved an application dated 16.2.1981 (Annexure P-7) for being impleaded as his legal heirs and to allot a plot. As per the death certificate dated 5.8.1982 (Annexure P-8) Shri Sant Singh had also expired on 24.7.1982. He was bachelor and his property was inherited by said Smt. Ranjit Kaur and Shri Buta Singh who moved an application dated 3.11.1982 (Annexure P-9) regarding intimation of the death of Shri Sant Singh and to allot a plot in their name. As per the death certificate dated 18.4.2018 (Annexure P-10) Smt. Ranjit Kaur had expired on 17.4.1989 leaving behind her son Shri Buta Singh who gave an intimation to the respondents regarding the death of Smt. Ranjit Kaur vide application dated 18.8.1989 (Annexure P-11). Shri Buta Singh moved the representations dated 21.8.1993, 18.5.1995, 26.3.1996, 20.12.1999, 5.7.2000, 2.1.2002 and 10.5.2004 to respondent No.4 for the allotment of a plot under the oustees category, but all in vain. However, Shri Buta Singh had also expired on 27.1.2005 as is clear from the death certificate dated 15.3.2005 (Annexure P-12). He had executed a registered Will dated 28.9.2004 in favour of his son Gurminder Singh Badesha (the petitioner) and bequeathed his entire estate to him. The petitioner moved an application dated 25.10.2004 (Annexure P-13) along with death certificate and the Will. Thereafter, the petitioner moved various representations including the representation dated 17.1.2018 (Annexure P-14) 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 17.1.2018 (Annexure P-14) 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 his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

May 2, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No