

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.14647 of 2018.

Date of Decision: August 20, 2018

Chander Mohan Sharma

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Sanjeev Kumar Arora, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The land owned by petitioner's father measuring 3 biswas 18 biswasi, situated within the revenue estate of village Nurbhani, Tehsil and District Ludhiana, fully described in para No.2 of the writ petition, was acquired by State of Punjab in the year 1975 for development of a Scheme by Improvement Trust, Ludhiana. The father of the petitioner is said to have applied for allotment of plot in the 'Local Displaced Persons Category' vide application dated 25.05.1979 alongwith earnest money of Rs.500/- vide receipt No.86261. It is averred that subsequently father of the petitioner made various representations whereupon report was sent by the Trust recommending allotment of plot to him. The father of the petitioner unfortunately passed away on 04.12.1986 but no allotment was made by that time. The petitioner though claims to have appeared before the Trust authorities pursuant to the public notice dated 06.11.1992 followed by another notice dated 03.01.1998, however, still no allotment was made.

Meanwhile, similarly placed Local Displaced Persons approached this Court

versus State of Punjab and another) and other connected writ petitions, which were disposed of on 08.10.2012 with a direction that regardless of the delay in approaching the Trust, no prejudice would be caused to the Trust if claims of Local Displaced Persons were considered for allotment at the current allotment price.

Similar directions were later on issued by this Court in the case of Santosh Kumari versus State of Punjab and another (CWP No.15283 of 2016) pertaining to Local Displaced Persons' category. The claim of Santosh Kumari was accepted by the Trust on 06.12.2016. The petitioner, thereafter, started making representations but finding no response thereto, the instant writ petition has been filed.

There can indeed be no doubt that the petitioner has approached the Trust as well as this Court at a highly belated stage. However, such delay may not cause any serious prejudice to the Trust as observed by this Court in Monti Roy's case (supra), for the reason that in case the petitioner is found eligible, the allotment can be made at the current allotment price only. Consequently and without expressing any views on merits of the petitioner's claim, the writ petition is disposed of with a direction to the Chairman of Improvement Trust, Ludhiana, to consider and decide the above-mentioned claim of the petitioner in the light of the cited orders of this Court, within a period of four months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

August 20, 2018

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Whether speaking/reasoned

Whether Reportable

(SUDIP AHLUWALIA)

JUDGE

Yes/No

Yes/No

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