

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24850 of 2018.

Date of Decision: September 27, 2018

Harpal Singh

.....Petitioner

versus

The Amritsar Improvement Trust and others

.....Respondents

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

Present: Mr.J.S.Thind, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The land of the petitioner measuring 34 kanal 11 marla, fully described in para-2 of the writ petition, situated within the revenue estate of Village Vallaha, Tehsil and District Amritsar, was acquired by the State of Punjab for Improvement Trust, Amritsar for the development of a scheme known as '340 Acres Area Development Scheme Bhai Gurdasji Nagar, New Amritsar'. The land was acquired vide Award dated 16.01.1998.

It goes without saying that the petitioner, by virtue of acquisition of his land, falls within the definition of 'local displaced person'. He applied for allotment of a plot under the category of 'Local Displaced Persons'. His application was accepted and the Trust vide allotment letter dated 01.12.2006 allotted a plot No.A/692, measuring 250 square yard.

Though the petitioner has already paid the entire allotment price but

possession of the plot is yet to be delivered. Meanwhile, Government of Punjab passed an order dated 22.05.2008 (P-4) directing the Administrator of the Improvement Trust to cancel the allotments which were made by the then Chairman of the Trust fraudulently and/or distorting and concealing the facts. Consequently, a show cause notice dated 12.12.2008 (P-5) was issued to the petitioner.

It appears that the petitioner responded to the show-cause notice by way of a legal notice dated 01.02.2012 (P-6) but no decision has been taken so far. The petitioner has now chosen to approach this Court.

Unfortunately, from the contents of the order dated 02.05.2008 passed by the State Government or the show-cause notice stated to be sent to the petitioner, it is not discernible as to how the allotment of plot to the petitioner was illegal, moreso when his status as 'local displaced person' has not been disputed.

Be that as it may, the questions as to whether or not the petitioner is 'local displaced person'; whether he is entitled for allotment of plot in that category in accordance with Rules and whether such allotment was made by following the prescribed Rules? if not, whether claim of the petitioner deserves to be reconsidered for allotment of plot in lieu of acquired land etc., are the required to be determined by the Prescribed Authority. They cannot simply put the matter under carpet after allegedly issuing a show cause notice.

The writ petition is accordingly disposed of firstly with a direction to the Chairman, Improvement Trust, Amritsar, to consider the claim of the petitioner as contained in the legal notice dated 01.02.2012 and if it is found that the petitioner is eligible for allotment of plot or that it was

allegedly allotted, let a reference be made to the State Government who shall then decide the petitioner's claim by way of a reasoned order. The entire exercise be completed within a period of six months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

September 27, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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