

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-421-2018

Date of Decision: 12.1.2018

Raghubir Singh and another

....Petitioners.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Jaideep Verma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing respondents No.1 and 2 to allot a plot under 'Local Displaced Persons (LDP) Scheme' as per Ludhiana Improvement Trust and Disposal Rules, 1964 (in short "the Rules").

2. As per the averments made in the writ petition, the father of the petitioners, namely, Shri Dalip Singh was owner in possession over the land measuring 0B-8B-11/1/3B situated within the revenue estate of village Gill-II, Tehsil and District Ludhiana. Respondent No.2 formulated 400 Acres Development Scheme known as 'Model Town Extension Part-II, Ludhiana' in the area of village Dugri, Jawaddi, Barura, Gill-I and Gill-II by acquiring

vide notification dated 8.6.1973 under Section 36 of the Punjab Town Improvement Trust Act, 1922 (in short “the Act”) followed by notification dated 26.7.1974 under Section 42 of the Act. The award was passed on 5.8.1977. Feeling aggrieved, Late Shri Dalip Singh filed a reference before the Land Acquisition Tribunal who enhanced the compensation. Still dissatisfied, Late Shri Dalip Singh filed CWP-5993-1986 and other landlords also filed various writ petitions. This Court vide orders dated 27.4.2009 (Annexures P-1 and P-2, respectively) passed in CWP-5993-1986 and CWP-32-1986 held the land owners entitled to flat rate of ₹ 32/- per square yard as compensation for the land beyond 15 karmas from Pakhowal road and also entitled to statutory benefit of interest and solatium. Late Shri Dalip Singh applied for a plot under the LDP category vide application dated 19.12.1977 (Annexure P-3). Since said Shri Dalip Singh had not deposited any earnest money with the application, he vide letter dated 15.4.1980 (Annexure P-4) sought permission of respondent No.2 to deposit the earnest money. Late Shri Dalip Singh also moved various representations including the representation dated 5.10.1990 (Annexure P-5) to respondent No.2 for the allotment of a plot under the LDP category. Respondent No.2 vide a public notice dated 6.11.1992 (Annexure P-6) decided to scrutinize the claim of local displaced persons whose applications were pending. Shri Dalip Singh appeared before respondent No.2 on 10.11.1992 along with original documents and also supplied one set of the documents. Again a public notice dated 3.1.1998 (Annexure P-7) was published for the same purpose and said Shri Dalip Singh appeared before respondent No.2 on 10.1.1998 at 11.00 AM along with all the documents. Thereafter, various representations were made by Shri Dalip

Singh for the allotment of plot, but to no effect. A public notice dated 25.6.2006 was published in the newspaper for submission of documents who were entitled to the allotment of plots under LDP category. In response thereto, Shri Dalip Singh appeared before respondent No.2 on 20.6.2006 and submitted all the documents. Even, he made a representation dated 14.9.2008 (Annexure P-8) to respondent No.2, but to no effect. Unfortunately, Shri Dalip Singh had expired on 28.5.2016 as per death certificate dated 24.1.2017 (Annexure P-9) leaving behind the petitioners and respondent No.3. The petitioners moved an application dated 2.2.2017 to respondent No.2 for impleading them as legal heirs of late Shri Dalip Singh as they had inherited the entire estate of late Shri Dalip Singh by way of natural succession and to consider their claim for the allotment of a residential plot to the petitioners and respondent No.3, but to no effect. Thereafter, the petitioners moved a representation dated 5.6.2017 (Annexure P-10) to respondent No.2 for allotment of a plot under the Local Displaced Person category, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a representation dated 5.6.2017 (Annexure P-10) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 5.6.2017 (Annexure P-10), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioners within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No