

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-4883-2018

Date of Decision: 28.2.2018

Balwinder Kaur

....Petitioner.

Versus

State of Punjab and another

...Respondents.

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

PRESENT: Mr. Vivek Salathia, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 respondent No.2 to consider her claim for the allotment of a plot under the Local Displaced Persons Quota in lieu of her acquired land for 'Mal Mandi Scheme' and to allot a plot as per the entitlement of the petitioner as she had already deposited the earnest money in January 2009.

2. The petitioner was owner in possession of the land which was acquired by respondent No.2 vide notification dated 29.11.2001 (Annexure P-1) for the development of 'Mal Mandi Scheme'. Respondent No.2 asked all the eligible persons to deposit the earnest money for the allotment of plots at reserve price. In response thereto, the petitioner applied for the allotment of a plot and also deposited earnest money vide receipt dated

representation dated 10.4.2017 (Annexure P-3) to respondent No.2 for the allotment of a plot under the quota of Local Displaced Persons, but no response has been received till date. The petitioner sought information under the Right to Information Act, 2005 vide application dated 26.9.2017 (Annexure P-4) regarding the non-allotment of a plot under the Local Displaced Persons Quota which was received vide reply dated 2.11.2017 (Annexure P-5). Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 10.4.2017 (Annexure P-3) to respondent No.2, but no action has so far been taken thereon.

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 directing respondent No.2 to take a decision on the representation dated 10.4.2017 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 28, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No