

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA No. 2865 of 2011 (O&M)
Date of decision : May 07, 2018

Ludhiana Improvement Trust, Ludhiana & another

..... Appellants

v.

Jasbir Singh Sethi

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Sagar, Advocate
for the appellants.

Mr. Darshan Singh Rai, GPA of the respondent
with Mr. NC Kinra, Advocate

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for permanent and mandatory injunction filed by the respondent.

Admitted facts are that the respondent was a locally displaced person who was otherwise entitled to allotment of land in lieu of the land owned by him which was acquired by the appellant-Ludhiana Improvement Trust. It is also admitted that the appellant had itself written a letter to the government recommending that a plot be allotted to the respondent and these were the two reasons which weighed with the Courts below and decreed the suit.

The main argument raised by counsel for the appellants is that there was huge delay of more than one and half decades before the respondent applied for allotment of the plot and this delay dis-entitles him.

On the other hand, counsel for the respondent has argued that once the appellant-Improvement Trust does not dispute the status of the respondent as locally displaced person, it should not raise a dispute regarding delay since it is a 'State' within the meaning of Article 12 of the Constitution. Moreover, counsel for the respondent, on instructions from his client, has made an offer that as far as delay is concerned, the respondent would have no objection if the plot is allotted to him at the prevalent rates and he would not insist that the plot be allotted to him at the rates which were prevalent in the year 1974.

In view of this fair statement of counsel for the respondent, I find no justification in interfering with the decree. Consequently, this appeal is dismissed subject to the statement made by counsel for the respondent.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 07, 2018
'kk'

(AJAY TEWARI)
JUDGE

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