

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-7984-2018

Date of Decision: 2.4.2018

Surmukh Singh and others

....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. Himanshu Chhabra, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ 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 the respondents to allot a plot to them under the oustees policy dated 17.4.1974 (Annexure P-1).

2. Shri Anokh Singh was owner in possession of the land situated within the revenue estate of village Dugri, Tehsil and District Ludhiana. Government of Punjab acquired the said land vide notification dated 2.2.1975 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 24.3.1975 under Section 6 of the Act for residential Urban Estate, Ludhiana. Government of Punjab framed a policy dated 17.4.1974 (Annexure P-1) for the allotment of a plot to a person whose land had been acquired. The said policy was amended vide policies dated 29.9.1981, 26.5.1983 and 26.6.1994 (Annexures P-2 to P-4,

respectively). Late Shri Anokh Singh applied for a plot under the oustees

category vide application dated 16.5.1980 (Annexure P-5) and also offered to deposit the requisite amount. He had expired on 23.10.1987 which is clear from the death certificate dated 19.5.2017 (Annexure P-6) by executing a registered Will dated 15.7.1986 (Annexure P-7) in favour of petitioners No.1 and 2 and Late Dalip Singh, i.e. father of petitioner No.3 and husband of petitioner No.4. Petitioners No.1, 2 and Late Dalip Singh moved an application dated 27.5.1988 (Annexure P-8) to respondent No.4 for impleading them as legal heirs of Late Anokh Singh and to allot a plot under the oustees quota. In the year 1992, they appeared before respondent No.4 for oustees claim along with original documents, but to no effect. Said Shri Dalip Singh had expired on 31.10.2004 as per the death certificate dated 24.3.2005 (Annexure P-9) leaving behind his son and wife, i.e. petitioners No.3 and 4 as his legal heirs and they moved an application dated 10.3.2005 (Annexure P-10) for impleading them as his legal heirs and to allot a plot under the oustees quota. Thereafter, the petitioners moved various representations including the representation dated 14.12.2017 (Annexure P-11) to respondent No.4 for the allotment of a plot under the oustees quota, 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 had moved various representations including the representation dated 14.12.2017 (Annexure P-11) to respondent No.4, but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioners to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and

direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

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 granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioners within a period of one month from the date of receipt of the certified copy of the order, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of six months from the date of receipt of the representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

April 2, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No