

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8106-2018

Date of Decision: 3.4.2018

Darshan Singh

....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. S.S. Salar, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this 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 allot a plot measuring 300 square yard in lieu of his acquired land for Bharat Nagar Extension Development Scheme.

2. The petitioner was owner of land measuring 16 kanal 2 marla situated within the revenue estate of village Jalandhar, Tehsil and District Jalandhar as per the jamabandis for the years 2004-05 and 2009-10 (Annexures P-1 Colly). The said land was acquired vide notification dated 30.4.2001 issued under Section 42 of the Punjab Town Improvement Act, 1922 for 170 Acre Development Scheme known as Surya Enclave. The award was passed on 29.4.2003 (Annexure P-10). As per Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983, the petitioner was entitled to the allotment of a plot. Accordingly, the petitioner moved an application for the allotment of plot and deposited the earnest money of ₹ 20,000/- vide receipt dated 21.11.2003 (Annexure P-2). The petitioner submitted the representations dated 21.11.2006, 3.11.2008 and 22.1.2009 (Annexures P-3 to P-5, respectively) to respondent No.2 for the

allotment of a plot. In response thereto, the respondents vide letter dated 23.4.2010 (Annexure P-6) directed the petitioner to produce a copy of the jamabandi which was supplied on 12.5.2010. Respondent No.1 vide letter dated 11.5.2010 (Annexure P-7) asked the petitioner to supply a copy of the jamabandi to respondent No.2 and in response thereto, the petitioner vide letter dated 25.6.2010 (Annexure P-8) informed that the jamabandi had already been supplied to respondent No.2 on 12.5.2010. However, no plot was allotted to the petitioner. Accordingly, the petitioner moved a representation dated 5.1.2018 (Annexure P-9) to the respondents for the allotment of a plot under the Local Displaced Persons Category, but no response has been received till date. 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 5.1.2018 (Annexure P-9) to the respondents, 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 5.1.2018 (Annexure P-9), 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

April 3, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No