

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8783-2018

Date of Decision: 6.4.2018

Saroop Singh and another

....Petitioners.

Versus

State of Punjab and another

...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 under the 'Local Displaced Persons Scheme' to them.

2. The father of the petitioner No.1 and grandfather of petitioner No.2, namely, Late Shri Hardev Singh was owner of the land measuring 1 bigha 17 biswas 3 biswasi to the extent of 743/241 share situated within the revenue estate of village Taraf Barura, Tehsil and District Ludhiana as per the jamabandi for the year 1973-74. Respondent No.2 formulated 400 Acres Development Scheme, namely, Model Town Extension Part-II (in short "the Scheme"). For the said Scheme, respondent No.2 acquired the land of Late Shri Hardev Singh and other landowners of village Taraf Barura vide notification dated 8.6.1973 issued under Section 36 of the

Act”) followed by notification dated 26.7.1974 under Section 42 of the Act. Said Shri Hardev Singh applied for an alternative plot under the Local Displaced Persons Scheme vide application dated 15.8.1979 (Annexure P-1). Respondent No.2 issued a public notice dated 16.11.1992 (Annexure P-2) for scrutinizing the claim of local displaced persons. In response thereto, Shri Hardev Singh and submitted the documents qua his claim. Another public notice dated 3.1.1998 (Annexure P-3) was published directing the local displaced persons to appear before respondent No.2 and as such he appeared before respondent No.2 along with all the documents. However, no plot was allotted to him. Thereafter, Shri Hardev Singh moved various representations including the representations dated 17.4.2000 and 25.12.2010 (Annexures P-4 and P-5, respectively) for the allotment of a plot under the Local Displaced Persons Category, but to no effect. Said Hardev Singh had expired on 17.3.2011 as is clear from the death certificate dated 30.3.2011 (Annexure P-6) leaving behind two sons, i.e. petitioner No.1 and Shri Daya Singh. Said Shri Daya Singh had also died on 18.12.1996 as per death certificate dated 26.10.2011 (Annexure P-7) leaving behind his widow and daughter, i.e. petitioner No.2 as his legal heirs. The petitioners moved an application dated 15.11.2011 (Annexure P-8) before respondent No.2 for being impleaded as legal heirs of Shri Hardev Singh. The petitioners as well as Gurmeet Kaur moved various representations to respondent No.2, but they could not get any plot. Unfortunately, Gurmeet Kaur had died on 26.6.2016 as is clear from the death certificate dated 30.6.2016 (Annexure P-9) leaving behind her daughter, i.e. petitioner No.2. The application dated 25.10.2016 (Annexure P-10) was moved before respondent No.2 for making necessary changes in the record. Thereafter,

the petitioners moved a representation dated 14.12.2017 (Annexure P-11) to respondent No.2 for the allotment of residential plot as per their entitlement, 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 14.12.2017 (Annexure P-11) 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 14.12.2017 (Annexure P-11), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 6, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No