

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8796-2018

Date of Decision: 6.4.2018

Manjeet 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 petitioners, namely, Late Shri Dalip 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 the petitioners and other landowners of village Taraf Barura vide notification dated 8.6.1973 issued under Section 36 of the Punjab Town Improvement Trust Act, 1922

26.7.1974 under Section 42 of the Act. The father of the petitioners applied for an alternative plot under the Local Displaced Persons Scheme vide application dated 15.8.1979 (Annexure P-1). Said Shri Dalip Singh had expired on 26.11.1983 as is clear from the death certificate, Annexure P-3. The petitioners as well as their mother moved an application dated 25.9.1984 (Annexure P-2) before respondent No.2 being impleaded as legal heirs of said Shri Dalip Singh. Respondent No.2 issued a public notice dated 16.11.1992 (Annexure P-4) for scrutinizing the claim of local displaced persons. In response thereto, the petitioners appeared and submitted the documents qua their claim. Unfortunately, the mother of the petitioners had expired on 9.1.1995 leaving behind the petitioners as her legal heirs. The petitioners moved an application dated 15.6.1995 (Annexure P-5) along with the death certificate dated 9.6.1995 (Annexure P-6) before respondent No.2 informing about the death of their mother. Another public notice dated 3.1.1998 (Annexure P-7) was published directing the local displaced persons to appear before respondent No.2 and as such the petitioners appeared before respondent No.2 along with all the documents. However, no plot was allotted to them. Accordingly, the petitioners moved various representations including the representation dated 10.10.2017 (Annexure P-8) to respondent No.2 for the allotment of residential plot as per their entitlement under the Local Displaced Persons Scheme, 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 various representations including the representation dated 10.10.2017 (Annexure P-8) 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 10.10.2017 (Annexure P-8), 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