

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-9855-2018

Date of Decision: 23.4.2018

Vijay Kumari and others

....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. Prateek Mahajan, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 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 measuring 333.33 square yards to the petitioners as local displaced persons of Khem Karan Road Development Scheme.

2. Shri Behari Lal was owner of the land situated within the revenue estate of Amritsar Urban having purchased vide sale deed dated 20.5.1992. He died on 22.4.1958 and the said land was inherited by his four sons and a daughter. Subsequently, vide civil court decree dated 24.8.1981, the daughter had relinquished her rights on the basis of family settlement and the four sons had inherited the rights in equal shares. Out of the four sons, one son, namely, Tulsi Dass died on 20.8.1959 and his share of the

petitioners became the owners in possession of the property. Respondent No.2 framed a Khem Karan Road Scheme of land measuring 80.25 acres situated within the revenue estate of Amritsar Urban and the sanction was granted by the Government vide notification dated 7.8.1974. The land of the petitioners was acquired vide award dated 24.8.1976 (Annexure P-1). Some of the co-owners filed a reference under Section 18 of the Land Acquisition Act, 1894 and the reference Court vide award dated 25.9.2008 enhanced the compensation at the rate of ₹ 8/- per square yard. CWP-12420-2010 was filed for enhancement of the compensation and this Court vide order dated 28.2.2011 (Annexure P-2) dismissed the said writ petition. Respondent No.2 passed a resolution dated 19.3.1985 (Annexure P-4) that the allotment of plots relating to the schemes sanctioned before the Utilization of Land and Allotment of Plots by the Improvement Trust Rules, 1975 were to be governed by 'The Amritsar Improvement Trust Land Disposal Rules, 1951' as per the directions of the Government conveyed vide memo dated 31.8.1981 (Annexure P-3). One of the co-owners, namely, Late Subhash Chander applied for the allotment of a plot and deposited ₹ 100/- as application fee vide receipt dated 31.1.1977 (Annexure P-5). The legal heirs of one Shri Panna Lal had filed CWP-1374-2014 and this Court vide order dated 27.1.2014 (Annexure P-6) directed the respondents to decide their claim in accordance with law. In pursuance thereto, respondent No.2 vide order dated 30.10.2014 (Annexure P-7) held the petitioners therein entitled to the allotment of plot being co-owner and allotted plot No. D-912 measuring 333.33 square yards vide allotment letter dated 28.10.2016. Similarly, one Shri Sudershan Wadhwa was also allotted plot No. D-917 vide allotment letter dated 28.10.2016. Accordingly, the petitioners served

a legal notice dated 15.2.2018 (Annexure P-8) upon the respondents for the allotment of a plot under the local displaced persons category, but no response has been received till date. Further, a reference letter dated 1.3.2018 (Annexure P-9) was sent by the Superintendent to the Executive Officer, Amritsar Improvement Trust, Amritsar that appropriate reply shall be sent to the Advocate and the petitioners, but no reply has been sent by the respondents. 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 the legal notice dated 15.2.2018 (Annexure P-8) to the respondents, 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 legal notice dated 15.2.2018 (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 23, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No