

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**Civil Writ Petition No.2024 of 2020
Decided on : 18.11.2021**

Ranjit Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. Yogesh Goel, Advocate for the petitioners.

G.S. Sandhawalia, J. (Oral)

Petitioners in the present writ petition filed under Article 226/227 of the Constitution of India seek quashing of the order dated 14.06.2019 (Annexure P-15) whereby the respondent No.1 has rejected the claim of the petitioners for the allotment of the plots @ Rs.1455/- per square yard by upholding charging of the amount @ Rs.15,600/- per square yard for allotment of the plot which was allotted in the year 1999.

Counsel for the petitioners has vehemently argued that the rate charged from the petitioners is at a much higher level and, therefore, they have been as such discriminated as similarly situated persons have been allotted plots at a lower price and claims allotment @ Rs.1455/- per square yard.

A perusal of the writ petition would go on to show that the petitioners were issued allotment letter on 19.03.2015 (Annexure P-11), whereby allotment of Plot No.424, Block-D, in Shaheed Bhagat Singh Nagar Scheme (475 acres) had been done instead of Plot No.635, Block-G, measuring 125 square yards, of the same scheme. The total costing of the

plot as such comes to Rs.19,15,000/-, which was to be paid in installments as per the terms of the allotment. The said allotment letters were questioned by the petitioners alongwith five others by filing 5 separate writ petitions on the same grounds that the advertisement was of the year 1982 and on account of the dispute regarding availability, the allotments were made in the year 2015 @ Rs.15,600/- per square yard.

Resultantly, the claim of gross discrimination and the exorbitant rate of allotment imposed upon them as compared to similarly placed allottees in the same scheme was sought to be agitated before the Division Bench of this Court. The learned Division Bench at that point of time came to the conclusion that pricing is a matter of policy and it would not be for the Court to go into the said issue. However, it disposed of the matter with the directions to the Principal Secretary of Local Bodies, Punjab to call for the records and hear the petitioners as well as the Improvement Trust and decide the said issue. Relevant portion of the order passed in **CWP No.15343 of 2015 'Ranjit Singh and another Vs. State of Punjab and another'** decided on 18.07.2018 (Annexure P-13) reads as under:-

“We are of the considered view that pricing is a matter of policy which has to be taken by the policy makers keeping in view various relevant factors like cost of the land, development cost, past and future enhancements in compensation, if any, maintenance of public amenities and facilities, allocation of land free of cost for the amenities like parks, hospitals, schools etc. At the same time, the Public Authority is obligated to keep in view that such like Schemes are not launched with the sole

motive of profit earning. To say it differently, various factual issues are involved in the determination of fair and reasonable allotment price. Since both the sides have come up with their view-point on the issue, we deem it appropriate to dispose of these writ petitions with a direction to the Principal Secretary, Department of Local Bodies, Punjab to call for the records; hear the petitioners as well as the Improvement Trust and decide the above-stated controversy by way of a reasoned order, within a period of four months from the date of receiving a certified copy of this order.”

It is in pursuance of the aforesaid, respondent No.1 has rejected their claim vide the impugned order dated 14.06.2019 (Annexure P-15). It has been noticed that the allotment has been made at the Collector rate which is substantially at a lesser rate than the market rate. The market rate is varying between Rs.30,000/- per square yard to Rs.35,000/- per square yard, where the plots had been allotted. It is, thus, apparent that respondent No.1 has taken into consideration the factum that the petitioners have been benefited by the allotment at a much lower price than the prevailing market rate.

Counsel could not demonstrate that any of the allottees who have been issued allotment letters in 2015, have been allotted plots at a lesser rate than what had been charged from the petitioners.

In the absence of any such discrimination from similarly situated persons and keeping in view the fact that this Court has already opined on the same issue that the pricing is not a question which this Court could go into, this Court is of the opinion that no fault can be found in the order, which is under challenge. The petitioners have only

right of consideration on account of the fact that they have been successful in the draw of lots, as such and Improvement Trust in that regard has been fair enough to ensure that the allotment has been made to them and the delay has occurred on account of the dispute regarding the availability of the plots.

In such circumstances, in the absence of any discrimination regarding similarly situated persons for the same allotment in the year 2015, this Court is of the opinion that no case is made out to interfere in the impugned order. Accordingly, the present writ petition is dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

November 18, 2021
Naveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No