

CWP-5529-2018

Date of Decision: 26.07.2022

Satwant Singh

....Petitioner

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Lovinder Kaur Brar, Advocate
for the petitioner

Mr. Arun K. Kaundal, DAG Punjab

Mr. Parambir Singh, Advocate
for respondents No. 3 and 5

SUDHIR MITTAL, J. (Oral)

The petitioner is a riot victim of the anti sikh riots which erupted soon after the assassination of the then Prime Minister Smt. Indira Gandhi. He came to Phagwra alongwith his family in the year 1985 and has been residing there since then. On 14.12.2016 respondent No. 1 notified the Punjab Municipality (Vesting to Proprietary Rights) Scheme, 2016 for granting proprietary rights to tenants or licensees of Municipal properties. Pursuant thereto, the petitioner submitted an application dated 15.03.2017, but the same was rejected vide order dated 21.03.2017 on the ground that the last date of submission of application was 13.03.2017. Thus, the present writ petition has been filed.

Learned counsel for the petitioner relies upon Public Notice (Annexure P-1) to submit that infact the last date was 31.03.2017. Thus, the application could not have been rejected on the ground of delay.

Learned counsel for respondents No. 3 to 5 submits that the petitioner's application could not have been allowed as he was neither tenant nor

The impugned order dated 21.03.2017 makes it abundantly clear that the application of the petitioner was rejected on the ground of late submission. There is nothing on record to suggest that 31.03.2017 was not the last date and, thus, the impugned order can not stand scrutiny. The argument of learned counsel for respondents No. 3 to 5 that the rejection was on the ground of the petitioner not being a tenant or licensee of municipal property is not tenable in law as nothing to this effect has been stated in the impugned order.

The writ petition is, accordingly, allowed. Impugned order dated 21.03.2017 is quashed. Respondent No. 3 is directed to decide the application of the petitioner afresh in view of the Punjab Municipality (Vesting to Proprietary Rights) Scheme, 2016.

26.07.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No