

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

(117)

CWP-7229-2023

Date of decision: - 12.04.2023

Jashandeep Singh Bolaria**....Petitioner****Versus****State of Punjab and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Bipan Ghai, Senior Advocate
with Mr. Deepanshu Mehta, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ, order or direction especially in the nature of mandamus for issuance of directions to respondents to restore the possession of Agricultural Land measuring 95 kanals 12 marlas situated at village Fatehpur, District Amritsar.

Learned Senior counsel for the petitioner has submitted that by virtue of a notification, the Punjab Management and Transfer of Municipal Properties Act, 2020 was promulgated and the properties owned by the Municipal Corporation are also governed under the same and has relied upon a resolution dated 31.12.2020 (Annexure P-10) to state that the said properties can be allotted to persons who are in legal/illegal possession for a period of more than 12 years. It is further

submitted that in pursuance of the said policy, the Municipal Corporation had sought the consent of the petitioner and by virtue of the reply dated 01.11.2018 (Annexure P-7), the petitioner had stated that he is ready to pay five times the previous rent and has submitted that the petitioner wishes to exercise his right under the said Act and resolution dated 31.12.2020 (Annexure P-10). It is also submitted that the petitioner would give a detailed representation stating all the relevant facts and has prayed that the Municipal Corporation, Amritsar be directed to consider the said representation after taking into consideration the provisions of the above-said Act and also the resolution dated 31.12.2020 (Annexure P-10) in accordance with law in a time bound manner.

Keeping in view above-said facts and circumstances, the present writ petition is disposed of with the following terms: -

- (i) It would be open to the petitioner to move a comprehensive representation by making a reference to the Punjab Management and Transfer of Municipal Properties Act, 2020 and resolution dated 31.12.2020 (Annexure P-10).
- (ii) The Municipal Corporation, Amritsar is directed to consider the said representation in accordance with law within a period of six weeks from the date of the said representation is given by the petitioner to the Municipal Corporation.
- (iii) In case, the Competent Officer of the Municipal Corporation, Amritsar is of the view that plea of the petitioner is meritorious, then, the necessary relief be also granted to him as expeditiously as possible on the petitioner complying with all the conditions.
- (iv) In case the Competent Officer of the Municipal Corporation, Amritsar is of the view that plea of the petitioner is liable to be rejected, then, a speaking order would be passed within

the aforementioned period of six weeks from the date of receipt of copy of the said representation.

It is made clear that this Court has not opined on the merits of the case and the Competent Officer of the Municipal Corporation, Amritsar would consider the matter independently, in accordance with law.

April 12, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No