

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

205

2023:PHHC:044408-DB

Civil Writ Petition No.10823 of 2020

Date of Decision: March 24th, 2023

Rupinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. S.S. Salar, Advocate
for the petitioner.

Mr. V.G. Jauhar, Additional Advocate General, Punjab,
for respondent No.1.

Ms. Kavita Arora, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J.

Petitioner has approached this Court praying for issuance of a writ of certiorari for quashing the price quoted in the allotment letter dated 02.11.2016 (Annexure P-3) and the subsequent order dated 15.05.2020 (Annexure P-9), whereby the price, which has been directed to be paid by the petitioner, is asserted to be exorbitant and also the same is illegal and arbitrary being contrary to the rules and judgment of this Court.

2. Briefly the facts are that the petitioner is a local displaced person as the land of his predecessor was acquired by Ludhiana Improvement Trust- respondent No.2. It was alleged by the petitioner that he was allotted a commercial property i.e. SCF No.41, Bhadaur House, Ludhiana, which was found to be an encroachment having been made by him as he had forged certain documents and was illegally sitting on the said commercial property of the Trust. Petitioner approached this Court by filing CWP No.7447 of 1998 for issuance of a writ of mandamus for execution of

the sale deed qua the above referred to commercial property and handing

over the possession thereof but the said claim was rejected by a Division Bench of this Court vide order dated 23.01.2014 (Annexure P-2) holding that the petitioner was not entitled to allotment of a commercial site and the allotment alleged to have been made by the Chairman, Improvement Trust, Ludhiana, was totally illegal being an act of favouritism. However, it was observed that the petitioner would be entitled to consideration as a 'local displaced person' qua the claim of his father, who had expired in the meanwhile, for allotment of a residential plot in lieu of the acquired land and direction was issued to the Improvement Trust, Ludhiana, to consider the claim of the petitioner by passing a speaking order.

The said claim of the petitioner ultimately was considered and he was allotted plot on 02.11.2016 (Annexure P-3). What is asserted by the petitioner is that according to the resolution dated 08.07.2013 (Annexure P-11) of the Improvement Turst, Ludhiana-respondent No.2, the reserved price for the year 2013 in 256 acres scheme, where the plot had been allotted to the petitioner, was fixed as ₹13,800/- per square yard, whereas petitioner has been charged ₹20,700/- per square yard. It has been asserted that the rate, which has been sought to be recovered from the petitioner is not in consonance with Rule 5 of the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983, which provide for fixing of the reserved sale price instead Rule 6 has been invoked for fixing the sale price. It is asserted by him that for the persons, who fall in the category of 'local displaced persons', the allotment has to be made at the reserved sale price and not at the sale price, which is for the open public. It is on this basis the counsel for the petitioner asserts that the

reserved price having been fixed vide resolution dated 08.07.2013 (Annexure P-11), which has not been revised subsequently or at least prior to the issuance of the allotment letter dated 02.11.2016 (Annexure P-3), the price should have been ₹13,800/- per square yard instead of ₹20,700/- per square yard. He on this basis contends that the rate as has been charged from the petitioner cannot sustain and deserves to be set aside and a mandamus be issued to the respondents to charge the petitioner the price at the rate of ₹13,800/- per square yard.

3. Learned counsel for the respondents, on the other hand, contends that the petitioner is not entitled to the claim as has been made in the writ petition. Reference has been made to the judgment passed by this Court in *Jagtar Singh Versus State of Punjab and another 2018 (3) PLR 733*, copy of which has been appended as Annexure R-5, where in similar circumstances and identical facts relating to the allotment of 300 square yard plot as the petitioner in 256 acres scheme known as Maharishi Balmik Nagar Development Scheme, the same issue has been sought to be projected by the petitioner, was considered by the Division Bench and had rejected the said claim and on this basis, it is contended that the case of the petitioner deserves to be dismissed.

4. We have considered the submissions made by the counsel for the parties and with their assistance, have gone through the pleadings of the parties and are of the view that the contention as raised by the counsel for the petitioner cannot be accepted in the light of the judgment passed by this Court in *Jagtar Singh's case (supra)*. In the said judgment, in paras 9 to 12, while dealing with Rules 5 and 6 of the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983, it has been held as

follows:-

“9. It appears that Rules 4, 5 & 6 of 1983 Rules (ibid) have a bearing on the controversy in hand. While Rule 4(2) provides that the local displaced person shall be allotted a residential plot “on reserve sale price” in accordance with the prescribed criteria, Rule-5 provides the mode of fixation of “Reserve Sale Price”. Rule 5(1) reads as follows:

“5. Fixation of Reserve sale price:-

(1) The reserve sale price in respect of all the residential plots shall be fixed by the trust in accordance with the guidelines specified in the annexure appended to these rules:

Provided that after fixation of said price, the same shall be re-fixed for the subsequent years by the trust provided that there shall be a minimum increase of not less than 10% per annum in the rates so re-fixed...”

10. Rule-6 further provides as follows:-

“6. Sale Price:- (1) The sale price in respect of residential plots and multi-storied houses shall be fixed as under:-

(i) In the case of plots measuring upto 200 square yards and multi-storeyed house, the reserve sale price;

(ii) In the case of plots measuring upto 250 square yards, 300 square yards and 400 square yards, one and a half time the reserve sale price;

(iii) In the case of plots measuring 500 square yards, double the reserve sale price”

11. On a conjoint reading of the Rules, it emerges out that a local displaced person is entitled to allotment of plot subject to his eligibility on “reserve sale price” which is to be determined in accordance with Rule-5 which provides that the Trust shall fix the reserve price of residential plots keeping in view the guidelines appended with the Rules

and for the subsequent years such reserve sale price shall be re-fixed with minimum increase of not less than 10% per annum.

12. The decision to allot the plots in the case of the petitioners was admittedly taken in the year 2015 followed by allotment letters dated 26.02.2016. We are thus of the view that the reserve sale price as re-fixed in the year 2015 or 2016 would be the correct rate of allotment applicable in the case of the petitioners in view of Rule-4(2) read with Rule-5 of 1983 Rules.”

5. The facts of the case being identical and the issue involved as well being the same, we do not see any ground to take a different view from the one, as has been taken by the Division Bench of this Court in the above referred to case and the same covers the case of the petitioner on all fours.

6. In view of the above, finding no merit in the present writ petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 24th, 2023
Puneet

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No