

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

**CWP-24690-2023(O&M)
Date of decision: 03.11.2023**

Reeta @ Rita Rani

... Petitioner

Versus

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Brij Mohan Vinayak, Advocate,
for the petitioner.
Mr. V.G. Jauhar, Addl. AG, Punjab.
Ms. Kavita Arora, Advocate, for respondent No.2.

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following substantive relief:

“i) Issuance of WRIT in the nature of MANDAMUS thereby directing the respondents to implement the speaking order dated 11.02.2021 and for taking permission from the government for allotment of the plot measuring 333.33 sq. yards to the petitioner as local displaced person of Amritsar Khem Karan Road Development Scheme pursuant to resolution passed by respondent No.2 on 15.02.2021 (Annexure P-1) and after obtaining the permission from the government to immediately allot plot measuring 333.33 sq. yards to the petitioner.”

The petitioner had even earlier approached this Court vide CWP-9851-2018, which was disposed of on April 23, 2018, with a direction

to the respondent-Trust to take a decision on the legal notice it was served

with by the petitioner. Pursuant to the order passed by this Court, the Chairman of the Trust, vide order dated 11.02.2021, concluded that the claim of the petitioner for allotment of a plot/site would be considered in the ensuing meeting of the Trust subject to fulfillment of the eligibility conditions and would, thereafter, be sent to the Government for its approval. Vide resolution No.21, dated 15.02.2021, the Trust unanimously granted approval to obtain the requisite permission/sanction from the Government for allotment of plot. The grievance of the petitioner is that even though a considerable time has elapsed, the matter has not made any tangible progress.

Upon being served with an advance copy of the petition, Mr. V.G. Jauhar, Additional Advocate General, Punjab, on behalf of the respondent-State, and Ms. Kavita Arora, Advocate, on behalf of respondent No.2, are present in Court.

Mr. V.G. Jauhar, learned Additional Advocate General appearing for the State of Punjab, has shared with us a copy of the order dated 06.01.2023, whereby the Department of Local Government had constituted a L.D.P. Committee to consider/examine similar claims. He has also produced a copy of the communication dated 28.02.2023, vide which, since despite repeated instructions, the respondent-Trust failed to submit the necessary records, to enable the Government to examine the claim of the petitioner, and as such, the matter was sent back to the respondent-Trust with instructions to the Trust to consider the claim/interest of the petitioner as per rules/instructions and keeping the financial interest of the Trust in mind.

However, he fairly submits that no subsequent development has been

reported by the Trust to the Government till date and, therefore, he is not in a position to apprise the Court of the true and actual position obtaining today. The letters dated 06.01.2023 & 28.02.2023 are taken on record as Mark 'X' and 'Y', respectively.

Ms. Kavita Arora, learned counsel appearing for respondent No.2 submits that she too has not been instructed as regards the current position/status of the proceedings by the Trust. However, she submits that let this petition be disposed of, at this stage, to enable the respondent-Trust to take a final decision in the matter in terms of the communication dated 28.02.2023, unless the necessary orders in terms thereof have not already been passed. She submits that appropriate orders, in accordance with law, shall be passed by the respondent-Trust within a period of six (6) weeks from today and communicated to the petitioner. And, in case a final decision, post communication dated 28.02.2023, has already been taken, copy thereof shall be communicated to the petitioner at the earliest.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for respondent No.2 and submits that let the petition be disposed of in terms of her statement.

The petition is, accordingly, disposed of in terms of the statements made by learned counsel for the parties. Needless to assert, as undertaken by learned counsel for respondent No.2, a speaking order, assigning reasons in support thereof, shall be passed by the respondent-authority.

It is made clear that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as

indicate above, the respondent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

03.11.2023
Rajan

Whether speaking / reasoned: YES/NO
Whether Reportable: YES/NO