

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1508-2024

Date of decision: 24.01.2024

Sumanpreet

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Siddharth Sihag, Advocate, for
Mr. Preetinder S. Ahluwalia, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

A Mandamus is prayed for, to command respondent No.2 (Greater Mohali Area Development Authority) to process applications dated 11.04.2023 and 06.06.2023 (P-2), moved by the petitioner, seeking permission to transfer the letters of intent for plot Nos.GMADA 21-22/LP/1556 and GMADA 21-22/LP/1557.

Learned counsel for the petitioner submits that land of the petitioner, measuring 18 kanal 15 marla situated in village Saiaun, SAS Nagar (Mohali), was acquired, pursuant to a notification dated 05.12.2017, issued under Section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. For the petitioner opted for Land Pooling Scheme dated 05.01.2021, she was allotted six residential plots and two commercial plots in Aerotropolis, (Mohali). And the letters of intent as regards four residential plots are appended as Annexure P-1. Further, he submits that owing to financial crisis the petitioner is faced with and the failing health of one of the family members, she moved the authorities for permission to transfer the letters of intent. However, for the Vigilance Bureau, Punjab, (respondent No.3), is alleged to have directed respondent No.2

not to process the said applications, the matter is not being proceeded. It is submitted that, in fact, petitioner was implicated in FIR No.16 dated 02.05.2023, registered at Police Station Vigilance Bureau Phase-I, Mohali. For she is alleged to have received compensation (Rs.1,31,63,012/-) as regards the fruit bearing trees, far in excess of her entitlement, in connivance with the officials. It is urged that she approached this Court and vide order dated 11.09.2023 (P-5), she was granted concession of anticipatory bail, subject, however, to a condition that she would deposit the entire compensation she had received. And accordingly, Rs.1,32,00,000/-, in the form of two Fixed Deposit Receipts of Rs.66,00,000/- lakhs each, have since been deposited. In any case, he submits that implication of the petitioner would have no bearing on the matter in issue. Particularly, when her ownership/title qua the acquired land was never in dispute. Likewise, there cannot be any question even as regards allotment of sites/plots in lieu thereof. Not just that, he submits that the respondent authorities were even served with the representation dated 13.10.2023 (P-10), but to no avail.

Served with the advance copy of the petition, Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, is present in Court. At the outset, he submits that as the competent authority is in seisin of the representation of the petitioner, it would be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to deal with the concerns/grievances, and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall also be heard.

Learned counsel for the petitioner is in agreement with the course suggested by the learned State counsel, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of three weeks from today and communicated to the petitioner.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondents.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

24.01.2024
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No