



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 28.05.2024

1.

CWP-16981-2017 (O&M)

Bikram Singh

Vs.

State of Punjab and another

.... Petitioner

.... Respondents
2.

CWP-10961-2018

Sajjan Singh (since deceased) through his LR

Vs.

State of Punjab and another

.... Petitioner

.... Respondents
3.

CWP-29960-2018

Tarsem Lal (since deceased) through his LR

Vs.

State of Punjab and others

.... Petitioner

.... Respondents
4.

CWP-6700-2019

Ram Krishan

Vs.

State of Punjab and others

.... Petitioner

.... Respondents
5.

CWP-23181-2019

Devi Dass and another

Vs.

State of Punjab and another

.... Petitioners

.... Respondents
6.

CWP-25837-2019

Darshan Singh

Vs.

State of Punjab and another

.... Petitioner

.... Respondents
7.

CWP-25847-2019

Sukhdev Singh

Vs.

State of Punjab and another

.... Petitioner

.... Respondents



8.	CWP-36165-2019	
	Gurarvinder Singh Panaych	 Petitioner
	Vs.	
	State of Punjab and another	 Respondents
9.	CWP-37352-2019	
	Rachhpal Singh and others	 Petitioners
	Vs.	
	State of Punjab and others	 Respondents
10.	CWP-7945-2021	
	Baldev Singh	 Petitioner
	Vs.	
	State of Punjab and another	 Respondents
11.	CWP-16998-2021	
	Amrjit Singh	 Petitioner
	Vs.	
	State of Punjab and another	 Respondents
12.	CWP-3431-2022 (O&M)	
	Kuldip Singh	 Petitioner
	Vs.	
	State of Punjab and another	 Respondents
13.	CWP-16439-2022	
	Mahabir Singh and another	 Petitioners
	Vs.	
	State of Punjab and another	 Respondents
14.	CWP-16390-2022	
	Mahabir Singh and another	 Petitioners
	Vs.	
	State of Punjab and others	 Respondents



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

Present: Mr. S.S. Salar, Advocate
for the petitioner (in CWP-16981-2017, 25837, 25847, 36165-2019
7945, 16998-2021).

Mr. Sanjeev Kumar Arora, Advocate
for the petitioner (in CWP-10961-2018).

Mr. Kanhiya Soni, Advocate and
Mr. Pradeep Bhukal, Advocate
for the petitioner (in CWP-29960-2018).

Mr. Hardip Singh, Advocate
for the petitioner (in CWP-6700-2019).

Ms. Shivika Sood, Advocate for
Mr. Prateek Sodhi, Advocate
for the petitioner (in CWP-23181-2019).

Mr. Dheeraj Mahajan, Advocate
for the petitioner (in CWP-37352-2019).

Mr. G.S. Bajwa, Advocate
for the petitioner (in CWP-16439 and 16390-2022).

Mr. Shekhar Verma, Addl. A.G. Punjab.

Mr. Jaspreet Singh, Advocate with Mr. Rishav Jain, Advocate
for respondent No.2-Improvement Trust
(in CWP-16981-2017).

Ms. Kavita Arora, Advocate
for the respondents (in CWP-10961-2018 & 6700-2019).

Mr. S.P. Garg, Advocate
for the respondent No.2 (in CWP-29960-2018).

Mr. Neeraj Sharma, Advocate
for the respondent No.2 (in CWP-23181-2019 & 3431-2022)

Mr. Puneet Kansal, Advocate
for the respondent No. 2 (in CWP-7945-2021)
for respondents No.2 and 3 (in CWP-37352-2019).

Mr. D. S. Randhawa, Advocate
for respondent No.2 (in CWP-16998-2021).

Mr. Joypreet Meelu, Advocate
for the respondent No.2 (in CWP-16439 and 16390-2022).



ARUN PALLI, J (Oral)

Upon hearing the learned counsel for the parties and the consensus they have arrived at, a detailed reference to their respective pleadings is clearly avoidable.

The petitioners in this bunch of 14 petitions happened to be the landowners, whose land holdings were acquired, pursuant to a notification dated 02.07.1976, issued under Section 36 of Punjab Town Improvement Trust Act, 1922, for execution of 475 acres ‘**Shaheed Bhagat Singh Nagar**’ Development Scheme.

In essence, the petitioners before us are claiming for allotment of suitable site(s)/plot(s), being Local Displaced Persons (LDP), as per their entitlement under the SBSND Scheme. A few claim themselves to be the victim of inaction of the respondent-authorities, as their claims have not been addressed for years. The others have assailed the order(s) and resolution(s) passed by the respondent-Trust, vide which their claims have been rejected. And, there is yet another set of claimants/landowners, who have already been allotted the plot(s)/site(s), but neither have they been delivered possession nor a conveyance deed has been executed in their favour.

However, learned counsel for the parties, with reference to the order dated **January 6, 2023**, passed by the State Government, during the pendency of these petitions, submit that to settle the cases of LDP/alternate plots of Town Improvement Trust, as per entitlement of the landowners, the Government has constituted a Committee under the Chairmanship of the concerned Deputy Commissioner/District Collector, in each District, in the State. Accordingly, it is submitted that, in the given circumstances, it would be expedient, for a conclusive and expeditious determination of the rights/interest of all the stake holders, to dispose of these petitions with suitable directions to the said Committee to carry out the necessary exercise and pass appropriate orders. And as regards the cases where the respondent-Trust has already rejected the claims of the erstwhile landowners by passing separate orders, without prejudice to the rights/interests of the respondent-authorities and their respective pleadings before this Court and examining



the validity of those orders on merits, the same be deemed to have been recalled/withdrawn to enable the Committee to re-determine their claims.

In the wake of the position sketched out above, we consider it expedient to refer to the order dated 06.01.2023 of the Directorate, Department of Local Government, Punjab, which reads as thus:

“A committee of the following members is constituted under the Chairmanship of the Deputy Commissioner/District Collector of the concerned district by the Government to deal with the cases of L.D.P./alternative plots of Town Improvement Trust in an efficient manner:-

1	Chairman, concerned Town Improvement Trust	Member
2.	Additional Deputy Commissioner (Urban Development/General)	Member
3.	Sub Divisional Magistrate	Member
4.	Tehsildar	Member
5.	Superintending Engineer/ Executive Engineer	Member
6.	Executive Officer	Convener-cum-Member Secretary

2. According to sub Rule 8 (1) (Mode of Sale) of Utilization of Land Allotment of Plot Rules 1983 of Punjab Town Improvement Act, 1922 and Rule 17 Mode of Sales and Increase or Decrease in Size of Allotted Plots of notified rules 22.10.2021 under The Punjab Management and Transfer of Municipal Properties Act, 2020, right to allotment of the plots is with the Trust.

3. Therefore, the said committee will scrutinize the resolutions passed regarding the cases of L.D.P./Alternative plots of Town Improvement Trusts. Apart from this, the pending resolutions will also be put up before this committee by the concerned Executive Officer. The concerned Executive Officer, Improvement Trust as convener-cum-member secretary will put up the L.D.P. Performa along with relevant complete record of the case of the committee and recommend



(including the facts on the basis of which this recommendation has been made) approval/rejection of each case by the committee in the light of the law/rules/instructions issued by the Government from time to time and further action will be taken as per the rules by the concerned Executive Officers.

4. These orders are issued after the approval of the Hon'ble Local Government Minister of Punjab."

Ex facie, the purport and intent of the State Government to constitute a Committee is for conclusive and timely determination of the rights of the landowners, whose land holdings were acquired for a public purpose. **Clause 3** of the said order requires the Executive Officer of the Trust to put up their cases/claims before the Committee, being its Convener-cum-Member Secretary. Upon being pointedly asked, learned counsel for the Improvement Trusts Amritsar, Ludhiana, Patiala, Jalandhar and Bathinda, submit that the Executive Officer(s) of the Trust(s) shall compile the records of each of the landowners and process their claims, and submit the same to the Committee within a period of 8 weeks from today. Likewise, learned Additional Advocate General, Punjab, as always, fairly submits that on receipt of such applications/claims, the Committee shall take cognizance thereof forthwith. And, thereafter, shall issue notices to the claimants/landowners to appear before the Committee, with liberty to submit any fresh material/evidence to substantiate their claims. Whereupon, he submits, the Committee shall pass necessary orders within a period of 6 months from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petitions are accordingly disposed of.

This Court is sanguine that the Committee shall consider/examine the matter in the right earnest. And, comprehensive order(s) assigning reasons in support thereof, shall be passed, within the time indicated by learned counsel for the respondents.



Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the Committee shall examine the grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

28.05.2024
deepak

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