



CWP-25867-2018

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

CWP-25867-2018**Date of decision: 16.05.2024**

Balwinder Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Veneet Sharma, Advocate, and
Mr. Mayank Manoharr Mahla, Advocate,
for the petitioner.

Mr. Shekhar Verma, Additional Advocate General, Punjab.

Mr. J.S. Toor, Advocate, and
Mr. Adhiraj Toor, Advocate
for respondent No.2 and 3.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the order dated 31.08.2017 (P-15), passed by the Additional Principal Secretary, Department of Local Bodies, Government of Punjab, vide which, the resolution No.111, dated 08.11.2016 of the Improvement Trust, Amritsar, was cancelled, in exercise of powers under Section 72 of the Punjab Town Improvement Act, 1922.

Upon hearing learned counsel for the parties on 15.05.2024, this Court had passed the following order:-

“Apparently, the reasons assigned by the State Government in its order dated 31.08.2017, that is being assailed in the present lis, are that the petitioner was not recorded to be the owner at the time of issuance of notification under Section 36 of the Punjab Town



Improvement Act, 1922, nor did he apply for allotment of a suitable plot/site as a Locally Displaced Person (LDP). Whereas, learned counsel for the petitioner submits that pursuant to a Civil Court decree dated 12.11.2005, passed in Civil Suit No.191 of 27.09.2002, he was held to be the owner in possession of the acquired land and so much so, the petitioner was even awarded compensation by the respondents therefor.

Faced with this, learned Additional Advocate General, Punjab, prays for a short accommodation to ascertain the true and actual position and seek instructions.

Adjourned to 16.05.2024.

To be shown in the urgent list.”

Today, learned Additional Advocate General, Punjab, on instructions from Smt. Harjeet Kaur, Superintendent, Improvement Trust, Amritsar, submits that in the judgment and decree dated 12.11.2005, that forms basis of the claim of the petitioner, neither the State nor the Improvement Trust, Amritsar, was arrayed as a party. Further, he submits that certain facts, that are crucial/germane to the matter in issue, have come to light, which perhaps, were not taken into account, while passing the impugned order. Thus, he asserts that it shall be expedient and in the interest of the parties to the *lis*, if the petition is disposed of, at this stage, to enable the competent authority to pass a fresh order, in accordance with law, after affording a hearing to all concerned. And, he submits that a formal communication, in this regard, shall be issued, well in advance. Further, the petitioner shall also be at liberty to furnish any fresh material/documents/evidence to support/supplement his claim within two weeks from today. Which shall be taken into consideration, while passing the orders, as indicated above. Therefore, in the given circumstances, he fairly submits that, without prejudice to the rights/interest of the respondent-State, the impugned order be deemed to have been withdrawn/recalled.



Learned counsel for the petitioner is agreeable to the course suggested by 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 eight weeks 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 petition is accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders, assigning reasons in support thereof, shall be passed within the time indicated by learned State counsel.

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

16.05.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No