IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24554-2019
Date of decision : 06.02.2024

Suresh Kumar and another

.....Petitioners

versus

Municipal Corporation of Ludhiana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Namit Gautam, Advocate
for the petitioners.

Mr. Guninder Singh Brar, Advocate
for respondents No.1 & 2.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of writ in the nature of mandamus directing the respondents to give demarcation and actual physical possession of the SCO No.7 (Corner) (earlier SCO No.5 (Corner) in the original layout plan (Annexure P-1), HDC Part-B Humbran Road, Ludhiana as per the modified layout plan (Annexure P-7). Further prayer has been made to get the sale deed (Annexure P-4) corrected (Tatimanama) with respect to the SCO Number, which has now been changed in the modified layout plan from SCO Number 5 to SCO Number 7 and also with regard to the area which has been increased of SCO Number 7 from 142 Sq. yards to 207 Sq. yards after taking the amount for the extended area i.e. for 65 Sq. yards (142 Sq. yards 207 Sq. yards) at the prevalent collector rate. Further prayer has been made for directing the respondents to compensate the petitioners for financial loss incurred by them on account of not delivering of the actual physical possession of the SCO for the last 17 years purchased by them in auction.

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Learned counsel for respondents No.1 & 2 has submitted that the possession of SCO has already been given to the petitioners and the Tatimanama sale deed has also been executed. It is submitted that the possession is handed over to the petitioners.

Learned counsel for the petitioners admits regarding the handing over of the possession of the SCO. However, he submits that as the possession has been handed over after 20 years, he may be granted liberty to file a fresh representation before respondents for granting him compensation.

In view of the contentions of both the parties, the present petition has been rendered infructuous regarding the prayer of the petitioner for handing over the possession of the SCO. However, in view of the second prayer made by learned counsel for the petitioners with regard to compensation, the petition is disposed of with liberty to the petitioners to file a representation for redressal of their surviving grievance with regard to the grant of compensation before respondent No.1. If any such representation is filed, the same would be decided by respondent No.1 expeditiously in accordance with law.

06.02.2024 **(RAJESH BHARDWAJ)**
ps-I **JUDGE**
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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