



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 23047 of 2024

Date of decision: 12.09.2024

Mahabir Singh

.... Petitioner

Vs.

State of Punjab and another

.... Respondents

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

Present: Mr. G.S. Bajwa, Advocate, for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Mahabir Singh) has prayed for the following substantive relief:

***“Civil Writ Petition under Articles 226/227 of Constitution of India with a prayer that this Hon’ble Court may be pleased to issue:-***

- (i) ***A writ in the nature of mandamus directing the respondent No.2 to deliver possession of plot No.E-352 measuring 400 sq. Yds which was allotted by the Improvement Trust vide memo No.AIT 6053 dated 10.03.1992 (Annexure P-4) for which father of the petitioners have deposited the earnest money and all other requisite documents well in time, in category of displaced persons, however, possession of plot has not been given till date for one reason or the other.***
- (ii) ***A writ in the nature of mandamus directing the respondents to complete rest of the formalities and accept the part payment at the rate of Rs.135/- per sq. Yds for which the petitioners undertake to deposit the same as per the demand of Improvement Trust or as directed by this Hon’ble Court.”***

Learned counsel for the petitioner submits that the land owned by the grand father of the petitioner, measuring 31 kanals 2 marlas, was acquired for a public purpose under the Ajnala Road Area Expansion Scheme. Accordingly, being a Locally Displaced Person (LDP), he was entitled to be allotted a suitable site/plot, per the prevalent scheme. Further, he submits that vide letter dated March 10, 1992, a plot No. E-352, measuring 400 sq. yds., in the said scheme, was allotted to the father of the petitioner (Gurdeep Singh), who unfortunately passed away on December



30, 2004. It is submitted that in terms of Clause VIII of the letter of allotment, the respondent-trust was obliged to deliver actual physical possession of the allotted site within 30 days. However, owing to a pending litigation between the respondent authorities and certain land owners, the respondent-trust failed to deliver possession of the allotted site. He asserts that the petitioner had deposited Rs.13,750/- as an earnest money, in terms of the letter of allotment. And, the balance 75% (3/4th of the consideration) was to be remitted in five half yearly installments, which, concededly, were not deposited. It is submitted that after the pending disputes between the respondent-trust and the land owners were resolved, the respondent-trust re-initiated the process of finalizing the allotments and delivery of possession. So much so, pursuant to an order passed by this Court on April 23, 2018, in CWP No.9855 of 2018 (**Vijay Kumari and others vs. State of Punjab and another**), the respondent-trust had already passed a resolution dated February 15, 2021, in favour of the allottees, who were identically placed like the petitioner. Inasmuch as, a similar resolution was passed in favour of the petitioner, though a copy thereof was never supplied. With reference to an order and judgment dated May 28, 2024, passed in CWP No.16981 of 2017 and other connected matters (**Bikram Singh vs. State of Punjab and another**), he submits that the State Government vide order dated January 06, 2023, to settle the claim of the LDP for allotment of suitable site/plot, had constituted a committee in every District under the Chairmanship of the concerned Deputy Commissioner/District Collector to deal with such claims. Therefore, he submits that, in essence the grievance of the petitioner is that even though the subject site/plot was allotted to the petitioner over 32 years ago, but the authorities have apparently failed to deliver its actual physical possession. As regards non payment of the balance consideration, he submits that to date, the petitioner has not received any communication or any order passed by the authorities in this regard. Rather, the legal notice August 16, 2022 (P-10), the respondent authorities were served with, has not been responded to.

Served with the advance copy of the petition, Dr. Puneet Kaur Sekhon, Advocate, is present in Court, on behalf of the respondent-trust. At the outset, she submits that given the facts and circumstances of the matter at



hands, it would rather be expedient if the petition is disposed of, to enable the respondent trust to consider the concerns/grievances of the petitioner and pass necessary orders, in accordance with law. However, she submits that in the event any order was already passed by the respondent-trust cancelling the allotment, owing to non deposit of the balance sale consideration, it may be clarified that this order would not enure to the advantage of the petitioner as regards the delay, if any, in assailing the said order.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondent-trust and submits that let the petition be disposed of in terms of the statement made by her.

In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, this petition is accordingly disposed of. However, it is clarified that in case the respondent-trust had already passed any adverse order against the petitioner or an order cancelling the allotment, this order would not be construed to mean that delay, if any, in assailing any such order, is condoned by this Court.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, assigning reasons in support thereof, as expeditiously as possible.

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 competent authority shall examine the grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)  
JUDGE

(VIKRAM AGGARWAL)  
JUDGE

12.09.2024  
deepak

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