



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

(149)

CWP-10968-2025 (O&M)

**Reserved on :-20.05.2025
Date of Decision:-29.05.2025**

Jarnail Singh and Others

... Petitioners

Versus

State of Punjab and Another

... Respondents

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**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE [ALOK JAIN](#)**

Argued by :-

Mr. S.S. Salar, Advocate
for the petitioners.

Mr. Kuljit Singh, Addl. A.G. Punjab.

Mr. Abhilaksh Gaind, Advocate with
Mr. Rakesh Roy, Advocate and
Ms. Priya Jarial, Advocate
for respondent No.2.

[ALOK JAIN, J.](#)

The present writ petition has been filed for issuance of a writ in the nature of Certiorari quashing the allotment letter dated 25.03.2025 (Annexure P-14), whereby price of ₹45,000/- per sq. yard has been quoted for allotment of plot No. 815-F measuring 500 sq. yard in Shaheed Bhagat Singh Nagar Development Scheme and further seeking issuance of a writ in the nature of Mandamus directing the respondents to charge the price as per rates prevalent on 30.10.2015 and issue a fresh allotment letter to the petitioners.



2. The brief facts of the case are that the petitioners' father, namely, Dalip Singh son of Phuman Singh was owner in possession of 1/3 share of 102 kanal of land situated in village Sunet Tehsil and District Ludhiana. After the demise of Dalip Singh on 17.01.2009, the petitioners inherited the entire estate vide registered Will dated 30.04.2001 and the mutation was also sanctioned in their favour. The aforesaid land was acquired by Ludhiana Improvement Trust for the purposes Shaheed Bhagat Singh Development Scheme for which the Notification under Section 36 of the Punjab Town Improvement Act 1922 was issued on 02.07.1976/28.06.1979. As per the Trust Rules 1975, which were applicable at that time, Dalip Singh deceased was entitled to allotment of a plot being a local displaced person. He had applied for allotment of a plot on 30.06.1982 and the earnest money was deposited on 07.07.1982 (Annexure P-1), and besides that all the requisite documents were also submitted. After the demise of the father (Dalip Singh), the petitioners stepped into the shoes of their deceased father and vide representation dated 05.01.2015, they approached respondent-Trust for the allotment of the plot. Owing to the inaction on the part of the respondent-Authorities, a legal notice was served by the petitioners upon the respondents, but the same did not yield any result. The petitioners filed CWP-24006-2015, wherein directions were issued to the respondents in terms of order dated 08.05.2014 passed by this court in CWP-8775-2024. Consequently, the respondent-Trust passed a speaking order dated 28.12.2017 (Annexure P-5) holding the petitioners entitled to allotment of plot measuring 500 sq. yards at the then current reserve price.

3. It is the further the case of the petitioners that no effective action was taken by the respondent-Authorities and aggrieved whereby, the



petitioners again approached this Court by way of a Contempt Petition, which was later on withdrawn and consequently CWP-11854-2018 was filed for implementation of the order dated 28.12.2017, wherein the respondents filed a reply to the effect that Plot No. 397-G, Bhai Randhir Singh Nagar Scheme stood allotted, vide allotment letter dated 18.03.1985 (Annexure P-7), to the petitioners in lieu of the acquired land. However, the petitioners claimed that plot No. 397-G was allotted vide letter dated 18.03.1985, in lieu of their land acquired for 550 Acre Development Scheme known as Bhai Randhir Singh Nagar Development Scheme, whereas, the respondent-Authorities were legally bound to allot them the plot in lieu of the land falling to the share of their late father Dalip Singh. Vide order dated 27.05.2024, CWP-11854-2018 was disposed of on the basis of an additional affidavit dated 23.05.2024 filed by the Principal Secretary to Government of Punjab, Department of Local Government, Punjab, wherein it was deposed that the Improvment Trust Ludhiana was in the process of allotment of plots under the LDP Category at the current reserve price by adopting due process of law. In compliance of the abovesaid order of this Court, the respondent-Trust vide Resolution No. 82 dated 26.06.2024, revised the reserve price of the plots and allotment was made at the rate of ₹45,000/- per sq. yard.

4. The counsel of the petitioners has submitted that the petitioners had deposited the earnest money along with the applications on 07.07.1982. By relying upon the judgment of the Hon'ble Supreme Court of India in ***Brij Mohan and Ors vs HUDA and Ors, 2011(2) SCC 29***, wherein the Court held that for fault of the authority to consider the case, the allottee cannot be compelled to pay a much higher price, the counsel has further submitted that



the delay in allotment was on the part of the authorities and had the plot been allotted along with the other similar allottees, the petitioners would have required to pay the price at the rate of ₹120 per sq. yard. It is thus argued that the price being charged by the respondent-Authorities are very much on the higher side and contrary to the law laid by the Hon'ble Supreme Court as referred to above.

5. The Counsel for the petitioners has vehemently submitted that vide order dated 30.10.2015 passed in CWP-23006-2015, the directions were issued to consider the claim of the petitioners at the then current allotment price and in compliance thereof, speaking order dated 28.12.2017 was passed by the respondent-Trust to the effect that a plot of 500 sq.yds be allotted to the petitioners only at the then current allotment price. The Counsel has drawn our specific attention to both the orders to strengthen his argument that when the price of 2015 was directed to be charged by the Court due to the delay on the part of the respondent-Trust in issuing the allotment letter on 25.03.2025, for which petitioners could not be made to suffer.

6. *Per Contra*, Counsel for the respondent-Trust has submitted that the petitioners had approached this Court by way CWP-11854-2018 seeking directions to the respondent-Trust to comply with the speaking order dated 28.12.2017, wherein this Court had specifically recorded that in the proceedings of the meeting held on 14.05.2024 the allotment under the LDP Category would be made at the then current reserve price. It is further submitted that the petitioners were given liberty to assail the order of the Committee, but the said order has never been challenged which implicitly means that the petitioners have accepted the price of the plot to be charged at the current rate.



7. Heard learned Counsel for the parties at length and perused the documents.

8. The only issue that requires consideration by this Court is whether the price being charged or charged by the respondent-Trust is exorbitant or should it have been charged as per the price prevalent as on 30.10.2015, as has been claimed by the petitioners.

9. Admittedly, the land of the father of the petitioners was acquired in the year 1976 and he had applied for allotment of the plot vide his application dated 07.07.1982 by depositing in the earnest money. The father of the petitioners expired in the year 2009 and after 6 years of his death, CWP-24006-2015 was filed by the petitioners seeking allotment of the plot. The said writ petition was disposed of with a direction to consider allotment of plot at the current price. This order was never challenged by petitioners, meanings thereby that the same had attained finality. In 2018, the petitioners again filed a CWP-11854-2018, wherein the respondents-Trust duly filed written statement and disclosed that the father of the petitioners had already been allotted a plot on 18.03.1985. In their rejoinder, the petitioners came in with a defence that the earlier allotment was in lieu of some different land and hence, the said writ petition was dismissed as having been rendered infructuous. Still further, for reasons known to the authorities, they issued an allotment letter on 25.03.2025 by charging the current price and the petitioner has approached this Court for reduction of the price charged. Learned counsel for the petitioner has relied upon the judgments passed by the Hon'ble Apex Court in the case of **Brij Mohan vs. HUDA, 2011 AIR (SC) 343** and two other orders passed by the Co-ordinate Bench of this Court in **CWP-8458-2014** on **02.09.2015** and another order in **CWP-18970-2017**



on **03.07.2019**. The said judgments would not come to the rescue of the petitioners as in those cases, there was never an order for allotment of plot at the current price and more so, when the father of the petitioners had already been allotted a plot on 18.03.1985, the purpose of the Scheme to rehabilitate the locally displaced persons, stood already fulfilled. The present allotment is not to be taken as to be the one against the **LDP** quota, strictly for the reason that the petitioners cannot sit home for years together and all of sudden get up one day claiming that they are entitled to a plot. The purpose of the Scheme was to re-habilitate the locally displaced persons and by the act and conduct, the petitioners have miserably failed to demonstrate that they are displaced. Though they are entitled to a plot yet, in light of the orders dated 30.10.2015 and 28.09.2018, there was a specific direction to consider the allotment at the current price and the authorities have rightly charged the petitioners at the current price. The petitioners cannot be permitted to enrich themselves by delaying the matter and then by putting the blame on the authorities. If the authorities have delayed the allotment, the petitioners had also chosen to sit at home from 1982 till 2015, when the first writ petition was filed. Subsequent thereto, after the disposal of the first writ petition in the year 2015, the petitioners sat at home for another three years and again approached the Court in the year 2018. Once, it was brought to the notice of the Court that the petitioner's father had already been allotted a plot on 18.03.1985, the said petition was rendered infructuous. Now at this stage to submit that the Department had filed a misleading affidavit is only to enrich himself and have a gainful situation. The prices of the property have skyrocketed and apparently the act and conduct of the petitioners smells *mala-fide*.



10. Finding no merit in the petition, the same although deserves to be dismissed with cost, but taking a lenient view, the cost is not being imposed.
11. Dismissed.
12. Pending miscellaneous application(s), if any, shall also stand disposed of accordingly.

29.05.2025 Gaurav Sorot	(SUDHIR SINGH) JUDGE	(ALOK JAIN) JUDGE
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Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No