

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

**CWP-25158-2021
Reserved on: 13.02.2025
Pronounced on: 25.02.2025**

HARDEV KAUR

.....Petitioner

Versus

**GREATER MOHALI AREA DEVELOPMENT AUTHORITY AND
ANR.**

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Argued by: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioner, prays for the quashing/setting aside of the impugned office order dated 29.11.2019 (Annexure P/16), as passed by respondent No.2, whereby the allotment of the petitioner of 300 sq. yards plot in IT City 570 Residential Plots Scheme, SAS Nagar (Mohali) in Category “B”, has been cancelled and further directing the respondents authorities, to allot and hand over the possession of the plot, as per the entitlement of the petitioner and if for some reason the petitioner is held not entitled to the allotment of plot, to order refund of earnest money of Rs.6 lacs along with interest @ 24% p.a., from the date of deposit till the date of realization.

Factual Background

2. The respondents invited applications for the allotment of residential plots of various sizes and categories in IT City, Mohali. The petitioner applied for a plot vide application form No.21847 dated 19.08.2016, through Punjab and Sind Bank in Category “B” of 300 sq. yards. As per the terms of the brochure, the petitioner duly deposited an amount of Rs.6 lacs vide cheque No.609077 dated 15.11.2016.

3. After proper scrutiny of the application and the documents attached along with the application, the respondents placed the application in the draw of lots. The petitioner was successful in the draw of lots held on 21.09.2016 and was allotted a plot of 300 sq yards in Category “B” and her name figured at Sr. No.116.

4. That despite the petitioner being successful in the draw of lots yet the petitioner received a letter No.546547 dated 17.12.2016 from GMADA, thus calling upon the petitioner to furnish a residence proof of Punjab. Thereafter, the petitioner duly replied to the letter vide reply dated 22.12.2016, which was received in the office of GMADA vide diary No.40604 dated 23.12.2016. The petitioner submitted her domicile certificate issued by SDM, Khanna along with the reply.

5. Thereafter, GMADA again wrote a letter No.12479 dated 28.03.2017, stating therein that the petitioner does not fulfill the terms and conditions, as contained in the brochure and the Committee is not satisfied with the reply filed by the petitioner. The letter further called upon the petitioner to personally appear before the Committee on 11.04.2017 at 11.30 a.m.

6. In response to the letter (Annexure P/6), she visited the office of GMADA on 11.04.2017 and on 18.04.2017, and was told to submit the documents till 18.05.2017. The petitioner thereafter wrote a letter dated 16.05.2017 (Annexure P/10). The petitioner along with the letter submitted her matriculation certificate (Annexure P/8), Domicile Certificate (Annexure P/9) and Scheduled Caste Certificate (Annexure P/9). The petitioner duly submitted these documents which were issued by the authorities in the State of Punjab at Khanna. The said document(s) display the permanent residence of the petitioner to be at Village Jatana, Tehsil Khanna, District Ludhiana.

7. However, despite the petitioner submitting all the documents, as became requisitioned by the respondents, and, despite the said submitted documents complying with the conditions of the brochure, yet the respondent authorities failing to issue letter of intent to the petitioner.

8. Thereafter, the respondents finally issued an office order No.70325 dated 29.11.2019, whereby the respondent concerned, cancelled the allotment of the subject plot, to the petitioner, and also forfeited the earnest money, as became submitted by her along with the application form.

9. The terms and conditions of the brochure, shows that for the reserved category the applicant must be a resident of Punjab, as defined by the State Government, or has been a resident of Punjab for the last 05 years. The relevant conditions becomes extracted hereinafter.

“For Reserved Categories

Apart from the eligibility condition mentioned above, the applicant under reserve category must be a

resident of Punjab only as defined by State Government, or has been residing in Punjab for the last five years.”

10. The conditions, as appertain to the present petitioner are carried in clause B at page No.28 of the paperbook. The said clause becomes extracted hereinafter.

“B. Persons settled in other States of India:-

i) The person of Punjab living outside Punjab in other States of India subject to the condition that he/she was born in Punjab or their father/ mother/ grandfather/ grandmother/ maternal grandfather/ maternal grandmother were born in Punjab or have been residents of Punjab. For this purpose the documentary proof such as his/her birth certificate or birth certificate of his/her father/ mother/grandfather/ grandmother/ maternal grandfather/ maternal grandmother or copy of their passport, driving licence, arms license and any other document which indicates that they have been resident of Punjab State in India will be accepted.

ii) The persons under category ‘B’ above will make payment in Indian rupees.”

11. A reading of the above extracted clause reveals, that in case the conditions set forth therein, become satisfied by the applicant, thereupon the applicant would be construed to be a native of the State of Punjab. The said conditions for the present petitioner, thus becoming construed to be a native of Punjab, but required hers establishing that despite hers, living outside Punjab, inasmuch as, hers residing at the relevant time in the Union Territory, Chandigarh, yet she was born in Punjab or her father/ mother/grandfather/ grandmother/ maternal grandfather/ maternal grandmother but were also born in Punjab or was resident of Punjab. Proof in respect of the said conditions became

declared therein to be embodied in the birth certificate, birth certificate of his/her father/ mother/grandfather/ grandmother/ maternal grandfather/ maternal grandmother or copy of their passport, driving licence, arms license and any other document which are proof that they have been resident of the State of Punjab.

12. The petitioner claims the benefit of the said clause, on the basis of her matriculation certificate issued vis-a-vis the present petitioner, which declares that she had undertaken her school education at Jatana, Ludhiana, from her S.C. certificate which has been issued under the seal and signatures of the Tehsildar, Jatana, besides, from her domicile certificate which has been issued under the seal and signatures of SDO, Khanna. The said certificates when fall within the ambit of documents other than passport, driving licence, arms license, inasmuch as, they are any other document, as stated in the (supra) clause. Moreover, when the said documents, do graphically indicate, qua in terms of the (supra) extracted clause, thus the present petitioner being a resident of the State of Punjab, wherebys she is deemed to be a native of the State of Punjab, but irrespective of hers temporarily residing at Union Territory, Chandigarh, especially when therebys she does not loose her nativity of Punjab.

13. Resultantly, the present petitioner becomes declared to be subjected to arbitrary action, through the drawing of the impugned order dated 29.11.2019 (Annexure P-16), wherebys the allotment of the plot to the petitioner has been cancelled, despite at the time of the scrutiny of her documents, the said condition becoming fulfilled, yet the allotment of the subject plot becoming withdrawn.

14. In aftermath, there is merit in the instant writ petition, and, the same is allowed, and, the impugned Annexure P-16 is quashed and set aside. The respondent concerned, is directed to allot the subject plot to the petitioner, as per the entitlement of the petitioner.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

25.02.2025
[ANJAL](#)/ITHLESH

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