



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

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CR-5005-2025**Date of decision : 14.10.2025****Ludhiana Improvement Trust through its Chairman and another****..... Petitioners****versus****Balbir Kumar and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Ms. Kavita Arora, Advocate
for the petitioners.

Mr. Parminder Pal Singh, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

1. This Court while issuing notice of motion on 11.08.2025
passed the following order:-

“Land of Decree Holder was acquired vide notification dated 26.07.1974. They are Local Displaced Persons and are entitled for allotment of plot. The plaintiff applied for allotment of plot on 26.08.1985. The said application was rejected. The same led to filing of the present suit which was finally decreed by the Lower Appellate Court on 05.04.2010. A finding has been recorded by the Appellate Court that no advertisement as required under Punjab Town Improvement (Utilization of Land & Allotment of Plots) Rules, 1983, was issued inviting applications for allotment of plots to the local displaced persons. It has been contended that even though the Appellate Court while decreeing the suit held that claim of the plaintiffs has to be dealt with in accordance with 1964 Rules but there is no direction with respect to the rate at which the allotments has to be made. Reliance is being placed upon *Jagtar Singh Vs. State of Punjab & anr. 2018(3) PLR 733* as



per which counsel for the petitioners contends that the price has to be as per the date of allotment i.e. the current price.

The Executing Court vide impugned order has ordered that the decree holder be charged rate as prevalent in the year 1982 and has ordered that allotment of 500 square yards plots be made at a consolidated price of Rs.9,00,000/- i.e. @Rs.98/- per square yard.

Having heard counsel for the petitioners and after carefully perusing the records of the case, this Court finds that the ratio of law laid down in **Jagtar Singh's case supra** is not applicable, wherein the Court observed as under :-

[13] There is no quarrel that the petitioners have been charged the allotment price as per the revised/re-fixed reserve sale price which was prevalent at the time of allotment of plots. They cannot seek advantage of reserve sale price of the year 2013 only because they chose to approach this Court in the year 2013. In fact, there was inordinate and unexplained delay on the part of the petitioners in asserting their claim. It is for this reason that this Court declined to issue a positive mandamus for allotment of plots at the 'current' allotment price though left it open to the Trust to consider their claim."

The facts and circumstances leading to the said case are entirely different from the present case. In the present case, admittedly at the time the land was acquired and was put for disposal, the Ludhiana Improvement Trust Land Disposal Rules, 1964 were in vogue. Rule 5, 6, 7, 8, 9, 10 and 11 provide as under :-

5. (i) The Trust shall there after fix the free-hold price or premium and/or ground rent at the market rates for all land available for disposal. Such fixation shall be made either by plot or for a group of plot or for an area as a whole.

(ii) The trust shall similarly fix a concessional price at which land comprised in a scheme will be sold to local displaced person. The concessional price shall not be less the cost price of the land to the Trust i.e. the estimated cost of the acquisition of the land plus development charges etc. Not more than one plot of



land when demarcated into plots shall be sold to a local displaced person. The size of the plot to be allocated shall be in keeping with the quantum of land acquired and as far as possible, he will be accommodated near his own land. Only after the claims, if any, of this category of persons have been met, the land shall be sold to others.

6. The chairman shall ask the Lands Officer to issue a public notice in an appropriate form in the manner prescribed by rules 9, 10 and 11 appearing hereinafter, inviting applications from local displaced persons in form 'A'.

The lands Officer, after making such inquiries as he deemed proper as the correctness of the statement made there in, shall submit all such applications received upto the date fixed for this purpose to the Chairman, who may sell the land to the applicants subject to confirmation by the Trust at concessional price fixed by it under rule 5(2).

7. The Trust may reserve a suitable number of plots in any scheme for military personnel on active service, political sufferers, social workers, genuine Housing cooperative or any other category of deserving persons treating them at par with the local displaced persons subject to the conditions that the plots to be allotted will not be allowed to be alienated for a period of ten years unless houses are constructed thereon.

8. Land not disposed of in the manner mentioned in rule 6 and 7 above may be disposed of by public auction.

9. The chairman shall ask the land officer to cause public notices to be given of the date of time of auction, which date shall not ordinarily be less than 15 days after the first appearance of this notice.

10. The notice referred to in rule 9 above shall be made public by:

- a) advertisement in atleast two daily news papers;*
- b) pasting it at the offices of the trust and at all such other places as the Chairman may deem proper. In*



addition, the Chairman may cause publicity to be given to the said notice by the fixing of posters on or near the land to be disposed of or at other suitable places or by the distribution of hand bills or by other methods of publicity that he considers effective.

11. The notice shall, in addition to other matter, the Chairman may consider necessary:-

(a) contain a description of the plots of land to be disposed of

(b) State the nature and terms of disposal.

(c) Prescribe condition as to the payment of earnest money as security deposit as the Chairman may prescribe per plot and;

(d) State the date, time and place of auction.”

In view of the aforesaid provisions, the trust was required to issue public notice specifying concessional rate at which land comprised in a scheme was to be sold to the local displaced persons. Finding has been recorded by the Lower Appellate Court while decreeing the suit that no such public notice was issued. Thereafter, in the year 1985, local displaced persons approached Improvement Trust for allotment of land. The same was declined. The plaintiffs are guilty of having remained inert from the year 1985 till 2000.

Notice is issued to respondents as to why they should not be charged price prevalent in the year 2000.

Let *dasti* notice be issued to the respondents for 25.08.2025.”

2. Counsel for the respondents has produced copy of the resolution dated 06.02.2001 as per which the rate for the present scheme was fixed at Rs.1612 per sq. yds. He submits that as per the same, the decree holder has already paid amount in excess of the price of the plot.

3. Counsel for the petitioner-JD does not dispute the aforesaid fact. He, however, still submits that the Improvement Trust is entitled to charge price as of today. Reliance is being placed upon **Rupinder**

Singh vs. State of Punjab and another reported as **2023 NCPHHC**



44408. Judgment passed in *Rupinder Singh's case (supra)* is based upon ratio of law laid down in *Jagtar Singh vs. State of Punjab and another* reported as **2018(3) PLR 733**, wherein Division Bench of this Court observed as under:-

“xx xx xx

9. It appears that Rules 4, 5 & 6 of 1983 Rules (ibid) have a bearing on the controversy in hand. While Rule 4(2) provides that the local displaced person shall be allotted a residential plot “on reserve sale price” in accordance with the prescribed criteria, Rule-5 provides the mode of fixation of “Reserve Sale Price”. Rule 5(1) reads as follows:

“5. Fixation of Reserve sale price:-

(1) The reserve sale price in respect of all the residential plots shall be fixed by the trust in accordance with the guidelines specified in the annexure appended to these rules:

Provided that after fixation of said price, the same shall be re-fixed for the subsequent years by the trust provided that there shall be a minimum increase of not less than 10% per annum in the rates so re-fixed...”

10. Rule-6 further provides as follows:-

“6. Sale Price:- (1) The sale price in respect of residential plots and multi-storied houses shall be fixed as under:-

(i) In the case of plots measuring upto 200 square yards and multi-storeyed house, the reserve sale price;

(ii) In the case of plots measuring upto 250 square yards, 300 square yards and 400 square yards, one and a half time the reserve sale price;

(iii) In the case of plots measuring 500 square yards, double the reserve sale price.....”

11. On a conjoint reading of the Rules, it emerges out that a local displaced person is entitled to allotment of plot subject to his eligibility on “reserve sale price” which is to be determined in accordance with Rule-5 which provides that the Trust shall fix the reserve price of residential plots keeping in view the guidelines appended with the Rules and for the



subsequent years such reserve sale price shall be re-fixed with minimum increase of not less than 10% per annum.

12. The decision to allot the plots in the case of the petitioners was admittedly taken in the year 2015 followed by allotment letters dated 26.02.2016. We are thus of the view that the reserve sale price as re-fixed in the year 2015 or 2016 would be the correct rate of allotment applicable in the case of the petitioners in view of Rule-4(2) read with Rule-5 of 1983 Rules.

13. There is no quarrel that the petitioners have been charged the allotment price as per the revised/re-fixed reserve sale price which was prevalent at the time of allotment of plots. They cannot seek advantage of reserve sale price of the year 2013 only because they chose to approach this Court in the year 2013. In fact, there was inordinate and unexplained delay on the part of the petitioners in asserting their claim. It is for this reason that this Court declined to issue a positive mandamus for allotment of plots at the 'current' allotment price though left it open to the Trust to consider their claim.

14. In this view of the matter when the petitioners themselves are responsible to allow the grass to grow under their feet as neither did they approach the Trust within reasonable time nor this Court, they themselves are to be blamed for the inordinate delay. They cannot thus be heard to say that the levy of allotment price as re-fixed in the year 2015-16 is erroneous.”

4. In *Jagtar Singh’s case (supra)*, decision to allot the plots in the case of the petitioners was taken in the year 2016. Reserve sale price was refixed in the year 2015. It was in these circumstances that the Division Bench held that the petitioners having applied for allotment of plot after inordinate delay in 2013 even though the scheme was floated in 1979, they are entitled for plot at the current allotment price only.

5. The aforesaid ratio is not applicable to the present case for more than one reason. Admittedly, the allottees have been held to be



Local Displaced Persons (LDP) whose land was acquired by the Improvement Trust for development scheme known as Model Town Extension-II in the year 1974. No public notice was issued inviting applications. The appellants themselves applied for allotment of plots on 26.08.1985. The application was rejected without any cogent reason. The rejection of the application was challenged by way of present suit instituted in the year 2000.

6. In view of above, this Court finds that the decree holder-respondents can at the most be charged for the rate as applicable in the year 2000, as the rights of the parties got crystallized on the date of filing of the suit.

7. With the aforesaid observation and keeping in view that the decree holder has already deposited amount much more than the rate prevalent in the year 2000, this Court finds no merit in the present revision petition. The same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

14.10.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No