



In the High Court of Punjab and Haryana at Chandigarh

CWP No. 26930 of 2023 (O&M)

Reserved on: 24.2.2025

Date of Decision: 19.3.2025

Vijay Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Argued by: Mr. Pankaj Gupta, Advocate and
Mr. Paras Jain, Advocate
for the petitioner.

Dr. Dharminder Singh, Lamba, Addl. A.G., Punjab.

Mr. R.S.Khosla, Senior Advocate with
Mr. Yogender Verma, Advocate and
Mr. Aman Sharma, Advocate and
Mr. Chirag Suri, Advocate for respondents No. 3 to 5.

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioner seeks the quashing of the letter dated 9.9.2016 (Annexure P-7), whereby the allotment of residential plot No. 5039, measuring 485.66 sq. yds, Dugri Road, Phase-II, Bypass, Ludhiana became cancelled by the Estate Officer, Greater Ludhiana Area Development Authority (for short 'GLADA'). The petitioner also seeks the quashing of the orders dated 19.10.2016 (Annexure P-9) and dated 23.8.2023 (Annexure P-14), whereby respectively the appeal as well as the revision petition filed by the petitioner were dismissed.



Brief facts of the case

2. It is averred in the instant petition, that the GLADA launched the scheme for allotment of 123 freehold residential plots at Sector-38 and Dugri, Phase II and III, Bypass, Ludhiana. The said scheme was opened on 5.12.2015 and closed on 4.1.2016. The petitioner applied for allotment of a plot measuring 401 to 500 sq. yds. under the Scheduled Caste category. At the time of submitting the application, the petitioner also deposited a sum of Rs. 10.00 lacs as upfront amount. The petitioner being successful in the draw of lots, became allotted Plot No. 5039, Dugri, Phase-II, Bypass, Ludhiana, measuring 485.66 sq. yds. in scheduled caste category, vide allotment letter dated 9.3.2016 for a tentative price of Rs. 97,13,200/-. As per the terms of the broucher, the petitioner was required to deposit additional 15% additional amount to complete 25% of the allotment price along with 2% cancer cess within a period of one month of the allotment. As such, on 7.4.2016, the petitioner deposited a sum of RS. 16,60,000/- with the GLADA. Subsequently on 23.8.2016, the petitioner sought permission for transfer of the plot from GLADA and also deposited the transfer fee of Rs. 2,45,500/-.

3. It is further averred in the instant petition, that the petitioner received a show cause notice dated 26.8.2016 issued by the Estate Officer, GLADA, as to why the plot in question be not cancelled. In the said show cause notice, it was stated that one Sukhwinder Kaur (who was at Sr. No. 1 in the waiting list), has made a complaint that the petitioner has already been allotted a residential Plot No. 124, measuring 200 sq. yds. Phase-III, Dugri Road, Ludhiana, and, as such the petitioner has violated condition No. 3 of the brochure and condition No. 4 of the Note, conditions whereof become



extracted hereinafter.

“3. The applicant should not possess any plot or house in the Urban Estates of the City, for which the plot/house is being applied for.”

“Note

x x x x

4. Applicant under reserved category must be a domicile/resident of Punjab (Except NRI Category) for which separate eligibility criteria has been fixed as per Sr. No. 1 to 3. The applicant will have to submit Domicile certificate/Residence certificate issued by the concerned Tehsildar/Executive Magistrate of Punjab Govt. or any officer authorized by Punjab Govt.”

4. Subsequently, vide order dated 9.9.2016, the allotment of the plot in question was cancelled by the Estate Officer, GLADA. In the said order, it has been ordered that Rs. 24,28,300/- being 25% of the price of plot, be refunded to the petitioner after deduction of 10% of the deposit amount. However, the petitioner has not received the refund amount and the entire amount deposited by him i.e. Rs. 29,05,500/- is still lying with GLADA since 2016.

5. Being aggrieved against the said order, the petitioner preferred a statutory appeal before the Chief Administrator, GLADA on 16.9.2016. However, the said appeal became dismissed on 19.10.2016. The petitioner challenged the order (supra) by filing a revision petition before the revisional authority concerned. However, since inadvertently the nomenclature of the revision petition was mentioned as appeal, thereupon a memo dated 14.12.2016 became issued by the revisional authority concerned, whereby the petitioner was called to submit a fresh and proper revision petition. It is further averred, that against the order of cancellation (supra), and, the order



Court by way of CWP No. 26706 of 2018. The said petition was disposed of by this Court on 5.3.2019 with a direction that the revision petition filed by the petitioner be decided within a period of four months. Subsequently, vide the impugned order dated 23.8.2023, the revision petition filed by the petitioner was also dismissed by the revisional authority concerned.

Submissions on behalf of the learned counsel for the petitioner

6. The learned counsel for the petitioner submits-

(i) That the authorities concerned have erred in holding that the allotment of the plot in question in favour of the petitioner is liable to be cancelled, thus on the ground that the petitioner has already been allotted a site by PUDA (now GLADA). However, the previous plot was purchased by the petitioner and his wife through resale from open market/auction, and, as such the petitioner was not the direct beneficiary of the apposite allotment, which he already owned since 2007.

(ii) That the authorities concerned, have misinterpreted the relevant provisions of the brochure at the behest of the complainant Sukhwinder Kaur, who has acted in connivance with some property dealers and some officers and officials of GLADA rather to cause wrongful loss to the petitioner.

(iii) That Sukhwinder Kaur has applied for transfer of plot within two days of allotment letter in her favour, and, the said request was accepted by GLADA on 28.3.2018. Subsequently, GLADA issued re-allotment letter in favour of one Sarabjit Singh and Jatinderjeet Singh, on 2.4.2018, who are the subsequent transferees of Sukhwinder Kaur.

Therefore, the entire sequence of events clearly shows that the allotment of the plot in question was cancelled owing to extraneous considerations.



(iv) That there has been no violation of any terms and conditions of the brochure by the petitioner, and, that a reading of Note No. 3 of the brochure (Annexure P-1), discloses that only those allottees are not entitled for the benefit of subject allotment, who have already availed benefit of allotment under reserved category. Therefore, the authorities below have wrongly relied upon the said note to cancel the allotment of the plot in question.

7. Therefore, it is prayed that the impugned orders be quashed and set aside.

**Submissions on behalf of the learned senior counsel for respondents
No. 3 to 5.**

8. The learned senior counsel for respondents No. 3 to 5 submits-

(i) That the petitioner had applied for the allotment of plot out of the Scheduled Caste quota, qua which four plots became advertised. It was made clear in the brochure (Annexure P-1) that anybody who owned any residential plot/house/flat (except ancestral property) in Ludhiana, allotted by the Improvement Trust or any Government agency in the city/town, would not be eligible for consideration for the said allotment.

(ii) That though the petitioner was required to submit an affidavit in terms of the above condition, however, the petitioner submitted a false affidavit dated 26.2.2016 stating, that he or his spouse or any minor child does not own any residential plot/house/flat in Urban Estate at Ludhiana by any government agency.

(iii) That the brochure (Annexure P-1) clearly stipulates that any false or fabricated information/document would lead to cancellation of allotment, forfeiture of the entire earnest money and also institution of



criminal proceedings.

(iv) That the petitioner has concealed the fact that he had failed to submit his Domicile/Residence Certificate of Punjab along with his application.

(v) That the petitioner has also concealed the fact from this Court, that he had earlier filed a Civil Suit bearing No. 4570 of 2016 before the learned Civil Court concerned, which became dismissed in default.

(vi) That though the petitioner has averred in the petition that the money deposited by him, was never refunded to him by the authority concerned, yet the said averment is also false on the ground that a cheque bearing No. 699050 dated 19.9.2016 amounting to Rs. 14,56,980/- was duly sent at his address, which was returned as unclaimed.

Inferences of this Court

9. The different categories are mentioned in brochure (Annexure P-1). However, the category which is specifically applicable to the present petitioner is the Scheduled Caste category. Therefore, the criteria for eligibility relating to the Scheduled Caste category, is spelt therein, to be comprised in a valid certificate becoming issued by the competent authority, as, prescribed by the Government of Punjab.

10. There is no dispute with respect to the present petitioner belonging to the Scheduled Caste category, nor is there any dispute that therebys he was not entitled to apply against the plots reserved for the said category.

11. Be that as it may, it appears that though a separate reserved category, appertaining to the sports person, and, to which Category Code-I

became assigned, that thus the thereto appended criteria, as becomes



extracted hereinafter, became attracted against the present petitioner, to the extent, that since the present petitioner was possessing a house or plot in the Urban Estates of the city, therebys he became disentitled to re-apply, besides to claim re-allotment of the disputed plot.

“The other eligibility conditions will be as under:-

- 1. The applicant should be a resident of State of Punjab as notified by the Punjab Government vide No. 1/3/95-3PP1/9619 dated 06-01-1996 and amended thereafter from time to time.*
- 2. The applicant should not have been allotted any plot or house earlier by the Directorate of Urban Estates, Punjab Housing Development Board, PUDA or other development authorities or any Improvement Trust or any other agency of the State Government or the Central Government anywhere in India, under the Sports Category.*
- 3. The applicant should not possess any plot or house in the Urban Estates of the City, for which the plot/house is being applied for.”*

12. Since the said criteria appertains to a category distinct to the category against which the present petitioner applied, therebys the said criteria was neither required to be ensured to become complied with by the present petitioner, nor if any violation thereto became made at the instance of the present petitioner, therebys also the present petitioner was not required to be entailed with the order of cancellation vis-a-vis the subject plot. Moreover also, falsity, if any, in the affidavit tendered by the petitioner rather is ineffective.

13. Be that as it may, though it has also been argued before this Court by the learned counsel for the respondents, that since the hereinafter extracted Note No.3, which has omnibus application vis-a-vis all the categories, as mentioned in the brochure (Annexure P-1), especially when



the said clause speaks, that the beneficiary will not be entitled for allotment of plot under the scheme, if he has already availed the benefit for allotment under the reserved category in other scheme/station from any Government agency.

“3. The beneficiary will not be entitled for allotment of plot under the scheme once he has already availed the benefit for allotment under the reserved category in other scheme/station from any government agency.”

14. However, the said clause would be attracted against the present petitioner only if prior to the subject plot becoming allotted to him, he had also received allotment of the apposite plot but directly from the respondent concerned. In other words, if the relevant prior acquisition by the present petitioner thus was not directly from the respondent concerned, but was through his purchasing it from the initial allottee, thereby the supra extracted clause of the Note appended at the end of the brochure (Annexure P-1), which but obviously applies to all the categories, rather would not be applicable vis-a-vis the present petitioner. In summa, since the present petitioner acquired the previous plot from the initial allottee from the respondent concerned, thereupon obviously when he was not the direct allottee of the previous plot, from the respondent concerned. Resultantly only when the previous acquisition was directly made by him from the respondent concerned, thus he would have attracted the such condition, whereas, with the present petitioner making the prior acquisition through his purchasing the same from the initial allottee, thereby the said clause is not applicable to the present petitioner.

Final order



is constrained to allow it. Consequently, the instant petition is allowed. The impugned orders are quashed, and, set aside, but with a direction to all concerned, to comply with the contractual obligations, as contained in the allotment letter.

- 16. The said be positively done within two months from today.
- 17. The miscellaneous application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

March 19th, 2025
Gurpreet

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