



CWP-3416-2021 (O & M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

116+309

CWP-3416-2021 (O & M)

Date of decision:06.04.2026

GUPTA RAM

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner.

Ms. Neha Sonawane, DAG, Punjab,
for respondent No.1.

Mr. D.K. Singhal, Advocate
for respondent No.2.

SUVIR SEHGAL, J.

CM-1636-CWP-2024

1. Application is allowed as prayed for. Cost of Rs.5,000/- has been paid, in cash, to Mr. Harsh Aggarwal, in compliance of previous order.
2. Written statement filed on behalf of respondent No.2 is taken on record.

Main Case

1. Petitioner has approached this Court, *inter alia*, for issuance of a writ of certiorari for quashing notices dated 02.03.2020, 25.08.2020 and 16.09.2020, Annexures P-10, P-12 and P-14, respectively, as well as

**CWP-3416-2021 (O & M)****-2-**

allotment letter dated 08.03.2019, Annexure P-5, to the extent price of Rs.34,87,000/- is being charged for a flat allotted to petitioner. A direction has also been sought to respondents to deliver the possession of the allotted flat.

2. Mr. Harsh Aggarwal, counsel for the petitioner states that Ludhiana Improvement Trust-respondent No.2 (for short "the trust") floated a 5.53 Acre Development Scheme at Ghumar Mandi Road, Ludhiana, for construction of flats and published an advertisement, Annexure P-1, in June 1981 for allotment of 114 flats. He states that petitioner deposited the earnest money and applied for allotment under scheduled caste quota. In the draw of lots, petitioner's name figured at Serial No.99, but as he was not allotted a flat, he approached this Court and vide judgment dated 04.08.2014, Annexure P-2, a direction was issued to allot a tenement to petitioner. Counsel states that after dismissal of SLP vide order dated 06.05.2016, Annexure P-3, the trust issued an allotment letter dated 08.03.2019, Annexure P-5, and allotted flat No.38FF for a total consideration of Rs.34,87,000/-. Counsel asserts that allotment was in breach of order, Annexure P-2, but still petitioner deposited the first instalment of Rs.10,82,620/- under protest vide letter dated 04.04.2019, Annexure P-7. Counsel states that possession of flat was not delivered, but vide impugned notices, petitioner has been called upon to deposit the balance instalments along with interest. Counsel claims that petitioner is entitled to allotment of flat at the price of Rs.1,40,000/- advertised in the year 1981.

3. Per contra, Mr. D.K. Singhal, counsel for trust-respondent No.2 has opposed the petition by stating that there is no direction for allotment of



CWP-3416-2021 (O & M)

-3-

flat at the price prevalent in 1981/1982. Counsel states that request for allotment of flat at original price has been specifically rejected by trust by passing a speaking order dated 25.05.2017, a copy of which was supplied to petitioner, but petitioner has concealed the aforesaid order.

4. We have considered the submissions made by counsel for the parties as well as perused the documents referred to by them.

5. While disposing of writ petition filed by petitioner, a Division Bench of this Court passed the following direction on 04.08.2014, Annexure P-2:-

“Consequently, while allowing the writ petition filed by Gupta Ram i.e. CWP-4087 of 1987, we direct respondents to allot a tenement to petitioner as a Scheduled Caste candidate provided there is none else senior to him in that category from Serial No.95 onwards. If there is any Scheduled Caste applicant from the waiting list from Serial No.95 onwards, the tenements will be allotted as per seniority list.”

6. From a perusal of the above reproduced order, it is evident that although, there is an observation that applicants on the waiting list from serial No.95 onwards in the scheduled castes and backward classes category be allotted flats at the same rate as prevalent in 1981/1982, but no such direction was passed by the Court while disposing of the writ petition. Petitioner cannot take any benefit of an observation made by the Division Bench in the absence of any specific direction. Allotment has been made to petitioner at the rate prevalent on the date of allotment which is justified. Furthermore, during the pendency of a contempt petition preferred by petitioner, alleging violation of direction, Annexure P-2, respondents

**CWP-3416-2021 (O & M)****-4-**

considered the case of petitioner for charging price of 1981/1982 and they passed an order on 25.05.2017, a copy of which was supplied to petitioner. By this order, respondents have specifically rejected request of petitioner for allotment of plot at the advertised rate. For reasons best known, petitioner has neither placed the said order on record, nor has he challenged it before this Court. Record reveals that petitioner is a defaulter and after the allotment was made, he has not deposited any amount except for the first instalment and has rather chosen to assail the cost of flat after two years of issuance of allotment letter, Annexure P-5. Dispute raised by petitioner is clearly an afterthought and does not merit any consideration.

7. For the reasons recorded above, we are of the view that as the petition is devoid of merit and it is dismissed, though with no order as to costs.

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

06.04.2026
sheetal

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No