

- Ludhiana Improvement Trust Land Disposal Rules, 1964 and Utilization of Land and Allotment of Plots Rules, 1975.
- Whether a Local Displaced Person can be denied plot allotment solely based on a delay in approaching the appellant-Improvement Trust.
- The allotment of plots should be made at the prescribed rate.
- The delay in approaching the appellant-Improvement Trust by the respondents does not work to their disadvantage.
- The allotment to be made by the appellant-Improvement Trust should be at the rate applicable in the year 2001 (when the writ petition was filed), not the rate of the year 1990.
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[ID 310501]

Punjab and Haryana High Court

Surya Kant, R.P Nagrath, JJ.

Improvement Trust, Ludhiana v. Joginder Singh

LPA No. 821 of 2012 (O&M)

30.08.2012

Ludhiana Improvement Trust Land Disposal Rules, 1964 - Utilization of Land and Allotment of Plots Rules, 1975 - Local Displaced Persons - Whether a Local Displaced Person can be denied allotment of the plot only on the ground of delay in approaching the appellant-Improvement Trust - Allotment of plot at the prescribed rate - Belated claim - Plea that they belatedly deposited the earnest money along with applications - Delay caused by the respondents in approaching the appellant-Improvement Trust has not worked to its disadvantage as the allotment now to be made by it would be at the rate as it was applicable in the year 2001 when the writ petition was filed and not at the rate of the year 1990

Mr. Amit Singh, Advocate for the appellant. Mr. SS Salar, Advocate for respondents No. 1 and 2.

SURYA KANT, J. (ORAL) - This Letters Patent Appeal is directed against the order dated 13.5.2011, whereby the learned Single Judge has allowed CWP No. 12477 of 2001 (Gulwant Kaur through LRs Joginder Singh v. State of Punjab) directing the appellant-Improvement

Trust, to consider the claim of the private respondents for allotment of plots in the category of Local Displaced Persons, in accordance with Ludhiana Improvement Trust Land Disposal Rules, 1964 and Utilization of Land and Allotment of Plots Rules, 1975. The plot is to be allotted keeping in view the fact that the land of the private respondents was acquired firstly vide Award dated 19.4.1974 and again vide Award dated 4.8.1981

2. There is indeed no dispute that the private respondents are Local Displaced Persons within the meaning of the abovestated Rules, as the land owned by them was acquired by the appellant-Improvement Trust for its one or the other development scheme. There is also no dispute that Local Displaced Person is entitled to allotment of the plot at the prescribed rate in accordance with the above mentioned two sets of Rules subject to fulfillment of certain eligibility conditions.

3. The only objection raised by the appellant-Improvement Trust against the claim of the private respondents was that they belatedly deposited the earnest money along with applications on 26.10.1990

4. The question whether a Local Displaced Person can be denied allotment of the plot only on the ground of delay in approaching the appellant-Improvement Trust has been gone into and answered in favour of the Local Displaced Persons by two Division Benches of this Court in CWP No. 6801 of 2000 (Surjit Kaur v. State of Punjab) decided on 2.11.2000 and CWP No. 17248 of 1999 (Gurdev Kaur v. State of Punjab) decided on 25.4.2001 (Annexures P-13 and P-14 respectively). That apart, the private respondents have successfully proved on record that other Local Displaced Persons who too deposited earnest money with them in the year 1990 have been allotted plots vide orders of different dates (Annexures P-18 to P-39).

5. Keeping the above stated facts in view, we find no legal infirmity in the direction issued by the learned Single Judge. Suffice it would be to observe that the delay caused by the respondents in approaching the appellant-Improvement Trust has not worked to its disadvantage as the allotment now to be made by it would be at the rate as it was applicable in the year 2001 when the writ petition was filed and not at the rate of the year 1990.

6. The appeal is accordingly disposed of in the above stated terms.