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Civil Misc. No.18420 of 2012 in Vs. Civil Misc. No.18420 of 2012 In

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Court : Punjab and Haryana

Decided On : Jan-28-2013

Appellant : Civil Misc. No.18420 of 2012 In

Respondent : Civil Misc. No.18420 of 2012 In

Judgement :

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Civil Misc.

No.18420 of 2012 in Civil Writ Petition No.21708 of 2010 Date of Decision : January 28, 2013 Harvinder Singh and others .....Applicant-Petitioners versus State of Punjab and others .....Respondents CORAM : HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE R.P.NAGRATH.

Present : Mr.Sanjeev Ghai, Advocate, for the applicant-petitioners Mr.Manot Bajaj, Additional AG, Punjab, for respondent Nos.1 to 3.

Mr.Harit Sharma, Advocate, for respondent Nos.4 & 5.

1. Whether Reporters of Local papers may be allowed to see the judgment?.

2. To be referred to the Reporters or not?.

3. Whether the judgment should be reported in the Digest?.

Surya Kant, J.

(Oral) Notice to learned counsel for the respondents.

Mr.Manot Bajaj, Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos.1 to 3 and Mr.Harit Sharma, Advocate, accepts notice on behalf of respondent Nos.4&5.

Learned counsel for the respondents jointly state that there is no need to file any reply to this application and it can be disposed of even without any reply thereto.

The prayer in this application is for modification of the order dated 21.08.2012 whereby the writ petition was disposed of with a direction to the Deputy Commissioner, Ludhiana and the Greater Ludhiana Area Development Authority (for short' GLADA') to verify the eligibility of riot victims to whom the booths are being allotted in Ludhiana and to ensure that no ineligible person is allowed to take advantage of the Welfare Policy.

CM No.18420 of 2012 in CWP No.21708 of 2010 [2].After hearing learned counsel for the parties, we are of the considered view that an additional direction is also required to be issued for which necessary averments have already been made in the writ petition.

The petitioners have given certain instances of alleged illegal allotment of booths contrary to the advertised criteria as well as the policies framed by the State Government from time to time.

They have also levelled allegations against one of the member of the Screening Committee as his own family members are said to be the beneficiaries of illegal allotment.

If that is so, it is imperative upon the Chief Administrator, Greater Ludhiana Area Development Authority, Ludhiana, as well as the Deputy Commissioner, Ludhiana, to hold a fact finding enquiry and find out whether any illegal allotment has been made and to cancel such allotment after observing principles of natural justice.

The needful shall be done within a period of three months from the date of receiving a certified copy of this order.

While considering the question of eligibility, the authorities would be well advised to keep in view the observations made by a Division Bench of this Court in CWP No.21924 of 2011 (Ludhiana Sikh Migrants Welfare Board (Regd.) versus State of Punjab and others decided on 13.12.2011.

With the afore-mentioned modification and directions, the CM stands disposed of.

Dasti.

$ (SURYA KANT) JUDGE $ January 28, 2013 (R.P.NAGRATH) Mohinder JUDGE

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