
(1994) 05 P&H CK 0056
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1758 of 1990

Balbir Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 20-05-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1994) 108 PLR 81

Hon'ble Judges : V.K. Bali, J

Bench : Single Bench

Advocate : H.S. Mann, for the Appellant; Arun Walia, AAG for the Respondent No. 1 and R.K Joshi, for the Respondent Nos. 2 and 3, for the Respondent

Final Decision : Allowed

Judgement

V.K. Bali, J.—This order shall dispose of two connected Civil Writ Petitions bearing Nos. 1758 and 2911 of 1990 as common questions of fact and law are involved in both the matters. Facts have, however, been extracted from Civil Writ Petition No. 1758 of 1990, "Balbir Singh and Ors. v. State of Punjab and Ors."

2. Petitioners through this writ filed by them under Article 226 of the Constitution of India seek a writ in the nature of mandamus directing the respondents to allot them industrial plots after quashing order Annexure P7 or modifying the same so as to insert therein eligibility of persons who are riot affected for allotment of industrial plots. The facts on which the relief aforesaid stem need a necessary mention.

3. From the facts as culled out from the petition, it is made out that petitioners are affected persons of 1984 riots which took place in Delhi after the death of late Prime Minister Smt. Indira Gandhi. They lost their livelihood and shifted to Punjab in order to give a fresh breath to their lives. They settled down at Ludhiana. They were running industries in Delhi and after coming to Ludhiana, They hired on rent small industrial plots from various persons and started

manufacturing various items in order to survive and to maintain livelihood for themselves and for their children. It is pleaded that the Punjab Government framed a policy to settle the Sikh Migrants who are affected during the riots of 1984 at Delhi and else where in the country. Under the policy, they applied to the State Government. The Deputy Commissioner after fully verifying the antecedents of the petitioners issued red cards to all of them. It was established that they were genuine Sikh Migrants from Delhi and were actually riot victims. They were required to be settled down by the Government on the basis of Red Cards having been issued to the petitioners, they applied to the respondents for allotment of Industrial Plots at Focal Point, Ludhiana. Along with the applications, the petitioners submitted Project Reports, the details of various industries to be set up and their past experience. The Government as also the official respondents after fully examining their cases, issued allotment letters of industrial plots to them measuring 1/4 and 1/8 acres at Focal Point Ludhiana. The allotment letters have been placed on the records as Annexures P1, P2, P3 and P4. It is averred that identical letter was issued to petitioner No. 5 but the same has been misplaced. On the basis of allotment letters, petitioners started pursuing their cases with the Industries Department and the Punjab Small Scale Industries Department. It is averred that requests and entreaties made on behalf of the petitioners were cold shouldered. A period of three years elapsed in between and but for extending promise that was not to be fulfilled, the respondents did nothing in the matter with a view to rehabilitate them. In the meantime respondent No. 1, vide letter dated 2.6.1989, Annexure P6, replied that after ascertaining the latest position of availability of plots from respondents No. 2 and 3, the petitioners shall be accordingly informed. In the wake of all this, when the petitioners' hope of getting plots was revived, an advertisement dated 23.1.1990 came to be published. This was the third scheme announced by the State Government but despite promises held to the contrary no reservation for riot victims of 1984 was made in the advertisement aforesaid. That was perhaps a culminating point when long patience of the petitioners exhausted and it is in the wake of these circumstances that they have come to this Court asking for the relief as indicated in the earlier part of the judgment.

4. Notice of this case was issued at the initial stage by the Motion Bench on 13.2.1990 for 27.3.1990. On the request so made by the respondents, the matter was adjourned to 2.5.1990 enabling them to file reply. On the next date when no written statement was filed, the case was admitted. It is on 4.5.1990 when the writ petition was admitted and till date no written statement has been filed on the records of the case.

5. The un rebutted facts of the case reveal that there was a policy of the Government to rehabilitate the riot affected persons who had to abandon their homes and business in the year 1984. It is in the wake of policy alone that order Annexure P1 and the like orders in the case of petitioners were passed wherein the applications of the petitioners for allotment of industrial plots as Sikh Migrants were favorably considered for allotting them plots of various sizes at

Focal Point Ludhiana. The matter was even referred to Punjab Small Scale Industries and Export Corporation for issuing letter of intent/allotment of plots as evidenced by the respondents' own letter Annexure P1 and other documents attached with the writ petition, there was no question for the respondents to have slept over this matter for all these years. Having been given a raw deal in the year 1984, the Government should have been more conscious to rehabilitate the petitioners in the shortest possible span of time. Contrary to that, even after considering and recognising the claim of the petitioners for allotment of industrial plots, they were made to wait not for days but for years. This attitude of the Government necessarily requires condemnation and nothing more is required to be said in the matter but for to issue a direction to the respondents forthwith allot plots to the petitioners of the size that they deserve or were assured vide various letters, reference of which has been given above. This exercise must be done latest within a period of one month from today. A copy of this order be immediately sent to the Chief Secretary to Government Punjab, Director Industries and the Managing Director of the Punjab Small Scale Industries and Export Corporation, Sector 17, Chandigarh, for compliance. The petitions are allowed with costs quantified at Rs. 1,000/-