



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**RSA No.3250 of 2001 (O&M)**

**Date of Order:30.04.2025**

**Smt. Daya Wanti**

**.Appellant**

**Versus**

**Jalandhar Improvement Trust, Jalandhar and another**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Anish Setia, Advocate  
Mr. Surinder Singh, Advocate  
for the appellant.**

**Ms. Kavita Arora, Advocate  
for respondent no.1.**

**ANIL KSHETARPAL, JUDGE (Oral)**

1. The defendant assails the correctness of the First Appellate Court's judgment which in turn has reversed the judgment and decree passed by the trial court.

2. The plaintiff (Jalandhar Improvement Trust, Jalandhar), filed a suit for declaration that the allotment of plot in favour of the appellant by its former Chairman on 19.01.1988, and subsequent sale deed executed on 18.02.1988, are illegal, null and void.

3. It may be noted here that 'Jalandhar Improvement Trust' has been constituted under the Town Improvement Act, 1922. It is an instrumentality of the State. The Punjab Government has notified the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules 1983, laying down the procedure for allotment and utilization of the property acquired by the Punjab Improvement Trust. The First Appellate Court found that the suit property is a public property and the Chairman has



illegally allotted the same in infringement of the rules. The court also found that at the relevant time when the allotment was made, State of Punjab had banned the allotment of the plots.

4. The learned counsel representing the appellant submits that the allotment by the Chairman was subsequently ratified by the Jalandhar Improvement Trust by executing a sale deed, hence, the First Appellate Court has erred in reversing the judgment.

5. On a court question, the learned counsel representing the appellant admits that 1983 Rules have not been followed. If the allotment of public property is regulated by the notified rules, the office bearers/officials of the Jalandhar Improvement Trust have no jurisdiction to allot the plot. If such allotment is made it is considered *per-se* illegal. The appellant being a beneficiary of illegal allotment cannot claim any equity.

6. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

7. Dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)  
JUDGE

April 30, 2025

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