



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

RSA-2427-2019 (O&M)

Date of decision: 19.09.2025

The Chairman, Amritsar Improvement Trust

...Appellant(s)

Vs.

Sharanjit Kaur and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

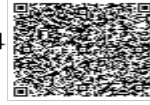
Present:- Mr. Kushagra Mahajan, Advocate for the appellant.

Mr. Vivek Salathia, Advocate for respondent.

NIDHI GUPTA, J.

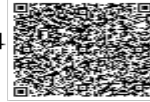
Present Second Appeal has been filed by the defendant No.1 against the judgment of reversal dated 28.09.2017 passed by the Additional District Judge, Amritsar, whereby appeal filed by the plaintiffs against the dismissal of their suit, was allowed; and suit of the plaintiffs was decreed.

2. Brief facts of the case are that the plaintiffs/respondents had filed a suit for declaration and mandatory injunction. It was the pleaded case of the plaintiffs that in the year 1966, defendant No.1/appellant had acquired possession of the plot No. 269-A measuring 100 sq.yds. situated at Scheme of Bagh Shivala Bhaiya, Tehsil and District Amritsar (suit property) from Surinder Singh s/o Sohan Singh, husband of plaintiff no.1. As the plaintiffs were occupants of the area acquired by the appellant, the appellant had framed Illaqa Vikas Scheme at area Ram Bagh, Amritsar for



rehabilitation of persons such as the plaintiffs. In pursuance to the said Scheme, vide Resolution No. 392 dated 10.10.1966 Ex.P6 it was decided to allot plots of 100 sq.yds. under the Low-Income Group at Shivala Bhayian Area Amritsar @ Rs.15/- per sq.yd. Accordingly, appellant had rehabilitated respondents by allotting 100 sq.yd. plots each to the said displaced people under the above Scheme. The requisite amounts were accordingly deposited by the plaintiffs as demanded by the appellant. However, no allotment orders were issued to the respondents. Oral undertakings were given by the appellant that the same were under process and will be completed soon. However, the matter was continued to be delayed by the appellant on one pretext or the other. Surinder Singh expired on 07.03.2008. Despite repeated requests, the appellant failed to execute the Sale Deed of suit plot in favour of deceased husband of plaintiff No.1-Surinder Singh. With these averments, present suit was filed on 03.12.2010.

3. Vide judgment and decree dated 11.07.2013, the learned Civil Judge (Junior Division), Amritsar had dismissed the suit of the plaintiffs. However, the appeal filed by the plaintiffs was accepted and suit of the plaintiffs was decreed by the learned Additional District Judge, Amritsar vide judgment and decree dated 28.09.2017 holding that *“the plaintiffs are held entitled to transfer of the property i.e. plot No.269-A, measuring 100 Sq. yards situated at scheme of Bagh Shivala Bhayia, Tehsil and District Amritsar as detailed and described in the head note of the plaint, in their favour and respondent-defendant No.1 is directed to*



transfer the said plot/property in dispute as detailed and described in the head note of the plaint in favour of appellants-plaintiffs under the rules.”

Hence, the present Second Appeal by defendant No.1.

4. It is *inter alia* submitted by learned counsel for the appellant that the learned first Appellate Court was in patent error in decreeing the suit of the plaintiffs as it failed to appreciate that although a Resolution No. 392 dated 10.10.1966 Ex.P6 had been passed by the appellant recommending the case of the plaintiffs, however no approval for the same has been accorded by the State Government. It is submitted that in the absence of necessary approval by the State Government, the plaintiffs could not have been allotted the suit plot. The appellant-Trust has no power to allot the plot or any other property to any displaced person on the basis of alleged oral undertaking and without completing the stipulated formalities mandated by the State Government. Thus, deceased Surinder Singh or any of his legal heir had no right or title to claim over the suit plot.

5. It is submitted that the Ld. Additional District Judge, Amritsar has failed to consider that in the light of Ex. P14 which shows that there was no provision as per Land Disposal Rules to allot any plot to the tenants in any scheme before 14.07.1970. It clearly shows that the occupant has already taken the possession of allotted place, but no payment has ever made by the allottee to the Trust, meaning thereby that the ownership of Sawinder Singh remained unproved on the judicial file. He is merely an occupant. Rather, the plaintiffs have concocted a story as

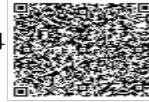


per their convenience by distorting the facts and circumstances of the present case. As such the plaintiffs have no right, title and claim upon the property in dispute in their favour. The plaintiffs concealed the material facts from the Court; thus, plaintiffs are not entitled to any relief claimed under the said suit. In this regard, learned counsel refers to examination-in-chief of Smt. Shashi, Clerk, Improvement Trust Amritsar Ex. DW-1/A.

6. It is further contended that in any event, as per the Resolution dated 10.10.1966, case of the plaintiffs was merely recommended by the appellant. The same would not vest any right in the plaintiffs. The main reliance was placed by the plaintiffs on Ex. P6 and Ex. P14 and the perusal of the same shows that it is for the consideration only which was nowhere signed by any authorized person. They were merely the recommendation. Even otherwise, suit of the plaintiffs was barred by limitation.

7. It is accordingly prayed that the present Second Appeal be allowed; and the impugned judgment and decree dated 28.09.2017 passed by learned first Appellate Court be set aside.

8. *Per contra*, learned counsel for the plaintiffs vehemently opposes submissions of the appellant and submits that a similar civil suit had been filed by the occupants of adjoining plot No. 268-A, Bagh Shivala Bhaiya, Tehsil and District Amritsar measuring 105.11 sq.yds., which had been decreed by the learned Civil Judge (Junior Division), Amritsar vide judgment and decree dated 13.10.2011; pursuant to which Sale Deed was executed by the appellant in favour of Subash Chander, occupant/owner



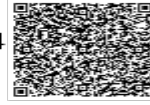
of said plot No. 268-A. It is submitted that therefore, there is no ground for the appellant to deny the same relief to the present plaintiffs. It is further submitted that it has been noted by the learned Civil Judge (Junior Division), Amritsar in para 9 of the judgment dated 13.10.2011 (available at page 99 to 94 of LCR) that appellant had actually admitted the claim of the present plaintiffs in the said case.

9. It is submitted that therefore, there is no reason for the appellant to deny the same relief to the present plaintiffs. Accordingly, he prays for dismissal of the present appeal.

10. No other argument is raised on behalf of the parties. I have heard Id. Counsel and perused the case file alongwith Lower Court Records in minute detail. I find merit in the submissions advanced on behalf of the respondents/plaintiffs.

11. It is not denied by learned counsel for the appellant that in the similar case of Subhash Chander, **Civil Suit No. 767 dated 22.12.2010** titled as "**Subash Chander vs. Amritsar Improvement Trust**", the case of Subhash Chander as well as of the present respondents/plaintiffs was duly admitted by the appellant before the learned Civil Judge (Junior Division), Amritsar. It has been categorically recorded in para 9 of the judgment dated 13.10.2011 as follows: -

"9. On 5.10.2011, the matter was fixed for the cross-examination of the plaintiff and for remaining evidence of the plaintiff, but the defendants No. 2 to 9 alongwith their counsel had suffered the statement admitting the claim of the plaintiff that they had no objection if plot in question be

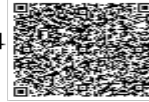


transferred in favour of plaintiff Subash Chander. Defendants No. 2 to 9 also admitted the legality and validity of the Will dated 04.08.1997 executed by their father Suwinder Singh in favour of the plaintiff and they proved the original Will on record as Ex P2 admitting the signatures of their father on the same.”

12. It is also not denied by the appellant that pursuant to the said judgment and decree, a Sale Deed has been duly executed in favour of Subash Chander in respect of plot No. 268-A, Bagh Shivala Bhaiya, Tehsil and District Amritsar. No reasons have been forthcoming from the appellant as to why in the case of the present plaintiffs, which is on similar footing with that of Subhsh Chander, sale deed has not been executed.

13. Moreover, argument of the appellant that no approval was accorded by the State. Government, is also fact incorrect as first Appellate Court has found in para 16 of judgment dated 28.09.2017 as follows: -

“16. Now the question for determination before this Court is that whether the plaintiffs are entitled for the mandatory injunction directing the respondent-defendant No.1 to execute the sale deed of the plot No.269-A, measuring 100 Sq.yards situated at scheme of Bagh Shivala Bhaiya, Tehsil and District Amritsar. The case of the appellants-plaintiffs is that defendant No.1 framed an Illaqa Vikas Scheme at area Ram Bagh, Amritsar, and acquired possession from Surinder Singh son of Sh. Sohan Singh along-with other occupants and in alternative the defendant No.1 vide its resolution No.392 dated 10.10.1966 decided to allot plots of 100 Sq.yards under L.I.G. people at Shivala Bhayian area development scheme, Amritsar @ Rs.15/- per sq. yards. The State Government



approved the said resolution vide telegram No.142173 CI 74 on 10.06.1974 and secondly vide memo dated 18.04.1975. Appellants-plaintiffs examined PW1 Shashi who brought the record of plot No. 269-A, situated at scheme of Bagh Shivala Bhaiya, Tehsil and District Amritsar. She stated that Surinder Singh is occupying the plot No.269-A. One application Ex.P1 was submitted under the Right to Information Act and some documents were supplied which are Ex.P2 to Ex.P6. The appellants also examined PW2 Ranjit Singh, who being son of Surinder Singh. As per document Ex.P6, which is resolution No.392 dated 10.10.1966 it has been held that plots of about 100 Sq.yards be formed for the L.I.G people in the area of Bagh Shivala Bhaiya, Tehsil and District Amritsar and Chairman has been authorized to make the allotment of the plots in L.I.G Scheme to old occupants of Bazaar Ram Bagh. PW1 Shashi brought the record Ex.PZ. As per record Ex.PZ, the resolution N.214 dated 17.11.1980 was passed for consideration of resolution no. 392 dated 10.10.1966. Vide this resolution, the allotment has been made to Surat Singh son of Sant Singh of the Plot No.268-A. Later on Surat Singh died. Then Subash Chander filed suit regarding the plot No.268-A, which was allotted to Surat Singh vide same resolution No.392 dated 10.10.1966. That plot was transferred in favour of Suwinder Singh being first class heir of Surat Singh. Suwinder Singh executed a Will in favour of Subash Chander. That suit was decreed in favour of Subash Chander on 13.10.2011 by the Court of Shri Sanjeev Kundi, the then learned Civil Judge (Junior Division), Amritsar. Further, as per record Ex.PZ, the sale deed was executed in favour of Subash Chander. It means resolution NO.392 dated 10.10.1966 was wrongly discarded by learned trial Court. Therefore, learned trial Court has wrongly returned findings



on issues No.1 to 3 in favour of defendants and against the appellants-plaintiffs. Accordingly, I reverse the findings of trial court on issues no. 1 to 3.” (Emphasis added)

14. Thus, from the above, it is clear that the Resolution No. 392 dated 10.10.1966 was duly approved by the Government vide telegram dated 10.06.1974 and memo dated 18.04.1975. The Resolution No. 392 Ex.P6 duly authorised the Chairman to allot LIG plots to old occupants of Bazaar Ram Bagh. Ex.PZ is the record which showed that Resolution No. 392 was duly acted upon by the appellant in another similar case.

15. Ld. Counsel for the appellant is unable to dispute or controvert the above said facts and findings. In view of the above, I find no error in the judgment dated 28.09.2017 passed by learned Additional District Judge, Amritsar. The present Regular Second Appeal is hereby **dismissed.**

16. Pending applications, if any, stand disposed of.

19.09.2025

Divyanshi

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

**(NIDHI GUPTA)
JUDGE**