

order dated 3.3.2010 was modified and they were required to furnish bank guarantee equivalent to the amount of compensation proportionate to 1 Kanal 4 Marlas of land, out of the total compensation disbursed to them, to the satisfaction of the learned District Judge, Amritsar, vide order dated 16.7.2010.

(10) In view of the above, the dispute in respect of Khasra Nos. 77//21 (0-5), 78//16 Min. (0-19), 17 Min. (1-6), 25 Min. (0-19), which are shown in the name of Nirmal Singh and others, who are stated to be the owner/interested persons, is referred to the learned District Judge, Amritsar, as it is a Principal Civil Court of original jurisdiction in terms of Section 3H(4) of the Act. The learned District Judge shall decide the question of apportionment of the amount of compensation and shall also determine the question as to who is entitled to receive the amount of compensation in whole or in part. The needful shall be done preferably within a period of six months from the date when the parties would appear before the learned District Judge by providing three opportunities to each side. The Registry is directed to send a copy of this judgment to the learned District Judge, Amritsar, who shall fix a date of appearance after issuing notices to all the parties.

(11) The writ petition stands disposed of in the above terms.

A.K. Jain

Before K. Kannan, J.

BALWINDER MASIH,—Petitioners

versus

UNION OF INDIA AND OTHERS,—Respondents

CWP No. 21460 of 2011

18th November, 2011

Constitution of India - Art. 226 - Rajiv Gandhi Gramin LPG Vitrak Scheme - Allotment of LPG Dealership - Eligibility criteria in scheme - Applicant to be resident of town of advertised location - Dealership awarded to Respondent No. 6 resident of village:

Awan, her parent's village - But she moved to her husband's house in another village - quashing of the award of the contract sought on ground that respondent does not fulfill the criteria - Held that a person, who had been a resident in a village where she was born and brought up cannot said to be a non-resident by the only fact that she has married to a person living in another village- writ petition dismissed.

Held, that a person, who had been a resident in a village where she was born and brought up cannot said to be a non-resident by the only fact that she has married to a person living in another village. She shall be allowed to be treated as resident of the village of her birth place where she lived till her marriage and she cannot be disqualified by the only fact that she had been married and her husband resides elsewhere.

(Para 2)

Harsh Bunger, Advocate, *for the petitioner.*

K. KANNAN J. (ORAL)

(1) The petitioner's grievance against the selection of the 6th respondent for being awarded with LPG dealership is that one of the eligibility criteria mentioned for selection is that the applicant shall be a resident of the town of the advertised location under Rajiv Gandhi Gramin LPG Vitrak Scheme. The contention is that the 6th respondent mentioned her parent's village Awan as her residence, which is required to be the place for allotment. She had been married and moved to her husband's house in another village where her name also figures as a resident. Learned counsel, therefore, says that the 6th respondent does not fulfill the eligibility criterion and seeks for quashing of the award of contract to her.

(2) The residential qualification itself, in matters of State largesse, must be viewed very strictly in view of the constitutional mandate that frowns upon the discrimination on the basis of residence. Deviations are made which are grounded by some exigencies to the extent, which is permissible in the Constitution itself and therefore, if there is a requirement of residence in any public advertisement, it has to be construed very strictly. A person, who had been a resident in a village where she was born and brought up

cannot said to be a non-resident by the only fact that she has married to a person living in another village. In my view, she shall be allowed to be treated as resident of the village of her birth place where she lived till her marriage and she cannot be disqualified by the only fact that she had been married and her husband resides elsewhere. A marriage does not constitute an uprooting ties of her natural family and it would be too harsh and unrealistic in the present days that a woman could be treated as chattel of the husband and she would lose her domicile by getting married to a person of another village. Residential status is principally one of fact, but the element of intention of where the person treats such status to be is not irrelevant. If a married woman intends to treat her parental home, where she grew up as her residence, for the purpose of claiming LPG dealership, there is nothing wrong in the Corporation accepting such a claim. It is again not unheard of that a woman retains his maiden name and does not adopt her husband's surname, even after marriage. There is no other objection relating to the selection made by the petitioner in this writ petition.

(3) For the reasons set forth aforesaid, the petitioner cannot obtain favourable consideration. The writ petition is dismissed.

A.K. Jain

Before K. Kannan, J.

KRISHAN KUMAR,—Petitioner

versus

**COMMISSIONER, AMBALA DIVISION
AND OTHERS,—Respondents**

CWP No.2472 of 2010

17th November, 2011

Constitution of India - Art. 226 - Punjab Panchayat Samiti and Zila Parishad (Sales, Lease and other alienation of property and Public places) Rules, 1964 - RI.3(b)(ii) - Public Premises Act - Petitioner lessee had paid rent up to the expiry of lease - Eviction order passed by authorities under Public Premises Act as the ground that lease had expired - Petitioner willing to pay enhanced rent as