2026:PHHC:125007-DB

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

Date of decision: 07.09.2026

(I) CWP-7476-2000 (O&M)

YASHPAL AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

(II) CWP-3765-2002 (O&M)

MILAP CHAND AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

(III) CWP-15467-2004 (O&M)

KEWAL KRISHAN AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

(IV) CWP-12788-2008 (O&M)

JOGINDER KAUR AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MR. JUSTICE PRAVINDRA SINGH CHAUHAN

Present:- Mr. Saurav Khurana, Advocate
Mr. Divyanshu Juneja, Advocate and
Mr. Prakhar Singh, Advocate,
for the petitioners in CWP-7476-2000.

Mr. Vivek Salathia, Advocate,
for the petitioner in CWP-15467-2004.

Ms. Manveen Kahlon, Advocate for
Mr. D. S. Pheruman, Advocate
for the petitioners in CWP-3765-2002.

Mr. Arun Gosain, Advocate for UOI.

Ms. Anu Chatrath, Sr. Additional Advocate General, Punjab with
Ms. Shruti, Assistant Advocate General, Punjab.

Mr. G. S. Attariwala, Senior Advocate and
Ms. Anu Chatrath, Senior Advocate with
Mr. Rajat Verma, Advocate,
Mr. Vansh Chawla, Advocate and
Mr. Ratik Chatrath Kapur, Advocate
for respondent-Improvement Trust, Amritsar in CWP-15467-2004.

Mr. Abhilaksh Gaind, Advocate,
Mr. Rakesh Roy, Advocate and
Ms. Priya Jarial, Advocate
for the respondent-Improvement Trust, Amritsar
in CWP-3765-2002, CWP-7476-2000 and CWP-12788-2008.

Mr. Sanjeev Soni, Advocate,
Mr. Sarthak Soni, Advocate
Ms. Nishtha Grover, Advocate and
Mr. Tara Dutt, Advocate for respondent No.4-M.C., Amritsar.

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<u>JASGURPREET SINGH PURI, J. (Oral)</u>

1. All the four petitions, involving the same issue, are taken up together for final disposal with the consent of learned counsels for the parties.

2. The present petitions have been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to allot commercial sites/shops to the petitioners by implementing the scheme duly framed by the Government for the purpose of rehabilitating the sufferers/oustees of Blue Star Operation, whose shops were burnt, destroyed and demolished due to the said operation in the year 1984 around Golden Temple Complex, Amritsar, with a further prayer to direct the respondents to implement the scheme framed by the Government for this particular purpose, which even after the lapse of a long time still exits in papers/Government record and has not been finalized and implemented as has been done in case of other similarly situated persons, who were ousted under the Galiara Scheme.

3. These matters have been placed before us after being remanded back by Hon'ble Supreme Court vide order dated 28.02.2017 in SLP No.19234-2015. While dealing with the present four cases, we are actually at pains because the matter pertains to citizens of India, who were having their business adjoining Sri Darbar Sahib, Amritsar and were displaced during Operation Blue Star when the military had entered Sri Darbar Sahib Complex and this fact is not disputed by any of the parties. It was 42 years ago that the aforesaid incident took place and now after so many years, we are deciding the issue as to at what rate the petitioners should be granted the alternate sites of their shops, notwithstanding the decision taken by the State in the early 1990s. Be that as it may, we keep in mind the latin maxim ***fiat justitia ruat caelum***, which means

'let justice be done, though the heavens fall'. One of the primary grievances of the petitioners is that the Government has been delaying the matter for a long time which is nearly four decades. In fact, the matter should have been put to an end much earlier so as to avoid protracted litigation in view of the latin maxim ***interest reipublicae ut sit finis litium***, which means that 'it is in the interest of the State that there should be an end to litigation' and that litigation should not be perpetuated. It was obligatory upon the State to have acted promptly for rehabilitation of displaced persons, which State has failed to do so.

4. The foundational facts of this bunch of writ petitions are not in dispute. In June, 1984, Operation Blue Star was conducted. The petitioners were running their businesses adjoining Sri Darbar Sahib Complex, at the back and sides thereof. It is undisputed that at the time of the aforesaid operation, the petitioners were displaced from their places of business. Till date, these oustees including the petitioners have not been allotted any alternate sites for their shops, except for 18 of them and they have been litigating ever since.

5. As aforesaid, the petitioners were conducting their businesses from small shops/vending places situated on the side of Sri Darbar Sahib Complex or at the back side thereof. After the aforesaid Operation Blue Star in June, 1984, the State of Punjab decided to beautify the area on the front and surroundings of Sri Darbar Sahib, which is called the 'Galiara area'. On the front side of Sri Darbar Sahib, there were a number of shops and a Scheme was framed by the Government of Punjab in the year 1988, which was about four years after the aforesaid Operation Blue Star took place in the year 1984 to displace those

other persons as well who were having their shops so that the area can be cleared and beautified in a planned manner. For that purpose, a 'Galiara Scheme' was formulated by the State of Punjab under which different categories were made for the purpose of allotment of alternate sites to those persons. The package of incentives was provided to oustees under the commercial category, which included tenants, owners and residential. The relevant portion of the aforesaid Galiara Project pertaining to tenants, which was introduced in the year 1988 and provided a package of incentives to the oustees, is reproduced as under:-

"Galiara Project
<u>ANNEXURE</u>
<u>Guidelines</u>

<u>PACKAGE OF INCENTIVES TO THE OUSTEES</u>

All the persons who were ousted from the Project Area, were offered alternatives sites, houses or subsidy. Their detail is as under:-

1. ***<u>COMMERCIAL</u>***

<u>(a)</u> ***<u>Tenants</u>****.*

(i) Tenants of the propertiers, who had taken propertiers on rent for commercial purposes, were offererd attractive sites @Rs.1,000/- per Sq. Yd. The market value of these sites was even higher than Rs.4,000/- per sq. yrd. The difference in cost was subsidised.

(ii) The cost of land was to be recovered in four equal annual instalments with one year moratorium. The interest was to be charged @ 4%. The difference in the interest rate ciz. 12-4%=8% was subsidized.

(iii) 50% cost of construction was paid as subsidy. The cost of construction was calculated @Rs.177/- per sq. foot."

6. A perusal of the aforesaid Scheme would show that the tenants of the proprietors, who had taken properties on rent for commercial purposes were offered attractive sites at the rate of Rs.1,000/- per square yard and since the market value of those sites at that point of time was Rs.4,000/- per square yard, the difference in the cost was therefore subsidized. Thereafter, even equal annual installments over a period of one year were also provided, with the additional benefit that 50% of the cost of construction was to be paid as subsidy, as aforesaid.

7. In this way, those who were oustees under the planned scheme of the State of Punjab pertaining to Galiara, which came into being in the year 1988 and who were displaced as oustees in a phased manner, were granted alternate sites at the rate of Rs.1,000/- per square yard but there was no scheme for those oustees who are the present petitioners, who were rather worst affected by the Operation Blue Star, which was conducted in June, 1984.

8. On the basis of various representations submitted by these outsees, some of whom are the petitioners in the present bunch of petitions, a letter dated 22.05.1989 was written by the Executive Officer, Municipal Corporation, Amritsar to the Deputy Commissioner, Amritsar submitting a list of tenants of private properties adjoining Golden Temple at the time of Kar Sewa of Sh. Akal Takhat Sahib after the Army action in the year 1984. It was stated therein that the A.I.T. had allotted 118 constructed Tin Stalls in Kesari Bagh, Amritsar for

rehabilitating the persons affected by the Army Action in 1984 by draw of lots and the list of the same was also enclosed. In the year 1991, a letter was written by the office of the Regional Deputy Director, Local Government incorporating therein that a meeting was held under the Chairmanship of the Chief Secretary of Government of Punjab on 28.11.1991 to discuss the rehabilitation of the oustees of the Blue Star Operation and it was also decided that the case of rehabilitation of oustees will be dealt by the Department of Rehabilitation and Relief. However, on the plea of the Secretary Rehabilitation, it was decided that the problem of rehabilitation of the Blue Star Oustees will be by the Department of Local Self Government. It was further decided that all the relevant papers will be obtained from the department of rehabilitation and relief and the case will be processed for the allotment of sites etc. on the same lines as has been done in the case of **Galiara Corridor Oustees**. The relevant portion of the aforesaid letter dated 28.11.1991 is reproduced as under:-

> *"**Sub:- For the oustees of the Blue Star Operation.***
>
> ***A meeting was held under the chairmanship of the Chief Secretary of Government, Punjab on 28.11.1991 to discuss the rehabilitation of the oustees of the Blue Star Operation.** Some time during the beginning of the year 1991. It was decided that this case of rehabilitation of oustees will be dealt by the deptt. of Rehabilitation and Relief. On the plea of the Secretary Rehabilitation it was decided that the problem of rehabilitation of the blue star oustees will be by the department of Local Self Government. It was also decided that all the relevant paper will be obtained from the department of rehabilitation and relief and the case will be*

processed for the allotment of sites etc. ***on the same lines as has been done in the case of Galiara corridor oustees****. In the past this case was referred to the Finance Department and the Planning Department by the Department of Local Self Government. Once again in the light of the decision now that the Local Self Government Department will handle the oustees problems, this department has once agains to go to the Planning Department and also to the Finance Department. Simultaneously we will have to approach the Home Department/CS/Governor for their onward urging the matter with the Government of India for getting the funds for the State Government. Before we go to the Planning Deptt., we should take the matter before the Governor in Council. The anticipated amount is Rs.1.50 crores. This estimate at the current rate must have gone up. We should have revised estimate prepared."*

(emphasis supplied)

9. In the year 1992 i.e. on 09.08.1992, a letter was written by the Commissioner, Municipal Corporation, Amritsar to the Secretary to the Government of Punjab, Local Government Department, Chandigarh, wherein it was stated that the concerned official of the Municipal Corporation, Amritsar has already been directed to collect the relevant record of the oustees of Blue Star operation from the office of the Deputy Commissioner, Amritsar. It further intimated that a Scheme was framed for allocating the sites of the oustees of Galiara Project and these Schemes are either the ownership of Amritsar Improvement Trust or the Municipal Corporation, Amritsar and the market value of the developed sites was determined at the rate of Rs.4,000/- per square

yard, whereas the oustees were to be charged at the cost of the land and in the case of tenants, the rate was fixed at Rs.1,000/- per square yard and there was a subsidy of 50% of the cost of construction. In the later part of the aforesaid letter, it was also stated that all the facilities will be provided **on the pattern of Galiara Project**. In this way, the aforesaid decision taken under the Chairman of the Chief Secretary, Government of Punjab that the oustees of Operation Blue Star were to be given the same benefits as those extended to the Galiara Project oustees was carried forward by the Municipal Corporation, Amritsar, by way of the aforesaid letter. The aforesaid letter dated 09.08.1992 is reproduced as under:-

"From:-

The Commissioner,
Municipal Corporation,
Amritsar.

To,

The Secretary to Govt. (Punjab)
Local Govt. Department,
Chandigarh.

No.C/EO/2836 — *Dated 9.8.92*

Subject:- ***Oustees of Blue Star***

Reference your office No.48400 dated 29.11.91.

It is submitted that the necessary report on the above said note pertaining to this corporation is given as under:-

It is intimated that the concerned official of the Municipal Corporation, Amritsar has already been directed to collect the relevant record of the oustees of Blue Star from the office of the Deputy Commissioner, Amritsar. It is further intimated that the scheme was framed for allocating the sites to the oustees of Galiara Project. These schemes are either *the ownership of Amritsar Improvement Trust or the Municipal Corporation, Amritsar. The market value of the developed sites who determined @ Rs. 4,000/- per sq. yds. The oustees were to be charged the cost of land as under:-*

i) Tenants	*Rs.1,000/- per sq. yds. They were allowed subsidy @ 50% of the cost of construction which assessed @ Rs.177/- per sq. ft.*
ii) Owners	*Rs.3,000/- per sq. yds.*

The cost of the land was to be covered from tenant in the four equitable instalments with one year moraterium and from the owners six equited annual instalments with one year moraterium. The anticipated expenditure : Rs: 1.25 crores was prepared to the oustees of Blue Star on the patterns of Galiara Project. The estimate for the rehabilitation of oustees of Blue Star Operation : revised and its amount come to Rs.1,51,94,929/-. It has already been intimated to the Government that it expected that some mere claiments may submits the applications at later stage. They may pleas they had not the claim earlier and no scheme was framed for the rehabilitation of the said oustees. In case 10% applicants are added, the total expenditure will be Rs.1.68 crores. This amount may be arranged from the Planning Department.

It is also reported that if the oustees of Blue Star may be given the facility of the revised anticipated expenditure then the cost of land will also be increased due to the reason that the cost of land and the payment of the subsidy has been increased. This increase will be increased by 20% and the cost of the land will be charged from the oustees of Blue Star Operation on the revised estimated as under :-

i) Tenants	*Rs.1200/- per sq. yds. They were allowed subsidy @ 50% of the cost of construction.*
ii) Owners	*Rs.3600/- per sq. yds.*

All the facilities wi11 be provided on the pattern of Galiara Project. *It is true to mentioned here that the plots to the Blue Star oustees will be allocated out of the vacant/ available plots which are carved out for the oustees of Galiara Project under the ownership of the Amritsar Improvement Trust and Municipal Corporation, Amritsar.*

II) The estimate for erecting M.S. Grill around the periphery of Galiara amounting to Rs. 20.08 lacs has since been submitted to Director, Local Govt. vide this office no. C/SE1020 dated 13.9.94. Further, a copy of the same has been re-submitted again vide this office letter No. C/SE/886-52/1549 dated 14.12.91.

III) For making foot path to be used by pedestrians, an estimate for providing dry brick on edge flooring in the Galiara Complex amounting to Rs.14,59,500/- has since been submitted vide this office No.SE/802-11/1286 dated 21.10.91.

IV) The balance funds again this project could not be spent as the work is held up due to certain reasons and also non-approval of conceptual plan of Galiara by the Government. Since, the unspent amount amount is specifically to be used on the balance work of Galiara. So, it would not be worthwhile to withdraw this amount and to be used for some other purpose untill and unless Govt. takes a *final decision on the balance work to be carried out at site of Galiara.*

Sd/-
Commissioner,
Municipal Corporation,
Amritsar."

(emphasis supplied)

10. In the year 2006, the matter was again taken up in a meeting held under the Chairmanship of Sh. B. R. Bajaj, IAS, Principal Secretary, Local Government of Punjab to hear the grievances of 1984 Blue Star affected shopkeepers and tenants in the periphery of Golden Temple, Amritsar. The decision so taken was also reflected in the letter dated 31.10.2006 issued by the Additional Secretary, Local Government Department to the Deputy Commissioner-cum-Director, Amritsar as well as the Chairman, Improvement Trust, Amritsar and Commissioner, Municipal Corporation, Amritsar and the aforesaid proceedings were also attached with the said letter. In the decision taken in the aforesaid meeting, it was again reiterated that after deliberation, it was decided that the Chairman, Improvement Trust will draw a commercial scheme for constructing booths and shops for the rehabilitation of Blue Star tenants/sufferers. It was also decided that the same rehabilitation policy for rehabilitation should be followed as in the case of oustees of **Galiara Scheme** and after preparing the detailed rehabilitation commercial schemes, the Chairman Improvement Trust should submit his report to the Government of Punjab, Department of Local Bodies so that the same could be implemented at the earliest, as the sufferers of Operation Blue Star have already spend a lot of time waiting for the relief. The relevant portion of the decision so taken in the

meeting held under the Chairmanship of the Principal Secretary, Local Government of Punjab, is reproduced as under:-

> *"After deliberation it was decided that Chairman Improvement Trust will draw a commercial scheme for constructing booths and shops for the rehabilitation of Blue Star tenants/sufferers.* ***It was also decided that the same rehabilitation policy for rehabilitation should be followed as in the case of oustees of Galiara Scheme*** *and after preparing the detailed rehabilitation commercial Schemes, Chairman Improvement Trust should submit his report to the Govt. Punjab department of Local Govt. So that same could be implemented at the earliest, as the sufferers of Operation Blue Star have already spend a lot of time waiting for the relief.*
>
> *The meeting ended with a vote of thanks to the Chairman, by the Operation Blue Star tenants/sufferers Association.*
>
> *Sd/-*
> *Principal Secretary,*
> *Local Govt., Punjab,*
> *Chandigarh-cum-Chairman*
> *Golden Temple, Galiara Project."*

(emphasis supplied)

11. In this way, right from the year 1991, the Government of Punjab had already taken a conscious decision first under the Chairmanship of the Chief Secretary of Government of Punjab and thereafter, under the Chairmanship of the Principal Secretary, Local Government Department, Punjab that the oustees of Operation Blue Star around the Golden Temple, Amritsar which includes the present petitioners were to be rehabilitated in the

same manner as that of the oustees of the Galiara Scheme by adopting same scheme. The present petitioners, who are the oustees of Operation Blue Star were affected in the year 1984. The aforesaid Galiara Scheme came into effect in the year 1988, which was a planned scheme formulated for the purpose of clearing the area and beautifying the surroundings outside the Golden Temple Complex.

12. It was then in the year 2012 that the Government of Punjab thereafter granted approval for the allotment of 133 booths by way of direct allotment of lots to the aforesaid oustees by way of a decision taken by the Cabinet of Punjab, which is reflected from the letter dated 27.07.2012 issued by the Under Secretary, Local Government to the Executive office, Improvement Trust, Amritsar. The aforesaid letter dated 27.07.2012 is reproduced as under:-

"GOVERNMENT OF PUNJAB
DEPARTMENT OF LOCAL SELF GOVERNMENT
(S.S.-2 BRANCH)

To

Executive Officer,
Improvement Trust,
Amritsar.

Memo No.5/329/06(2)-1 SS2/2040
Dated Chandigarh 27.7.12

Subject:- *Regarding allotment of booths to the tenants of the shops as demolished around Sri Harmandir Sahib during Operation Blue Star.*

In reference to your L. No.AIT/1574, dated 17.5.2012 on the above subject.

2. On consideration of the matter the Governor of Punjab is pleased to accord Approval for allotment of 133 *booths by way of direct allotment of lots, giving relaxation in Section 8 of Punjab Town Improvement (Utilization of land and allotment of plots) Rules, 1983 to the tenants of shops as demolished around Sri Harmandir Sahib during Operation Blue Star at two commercial sites (3.73 Acres and 2.00 Acres) in 27 Sq. yd. booth sites at the present Collector's rate of Rs.38,400/- per Sq. yd. for Rs.10,36,800/- per boot site, as identified by Improvement Trust, Amritsar.*

3. Keeping in view the orders dated 24.5.2002 of Hon'ble High Court in Civil Writ Petition No.3765 of 2002, those persons who are not accommodated in Site No.1 be accommodated in Site No.2 or at other place.

4. This Approval is being issued in consonance with the decision of the meeting of Counsel of Ministers dated 18.7.12 as informed by General Administration Department (Cabinet Affairs Branch) vide I.D.L. No.1/101/12-1 Cabinet/2606, dated 20.7.12.

Sd/-
Under Secretary Local Government."

13. The petitioners, who were oustees/tenants/sufferers of Operation Blue Star in the year 1984, having no other choice had earlier filed a bunch of writ petitions before this Court with the lead case bearing No.CWP-12788-2008 and other connected cases, which were disposed of by a Coordinate Bench of this Court on 05.01.2015. During the proceedings before the Coordinate Bench, learned counsel for the respondent-Improvement Trust, Amritsar produced a communication dated 27.07.2012, which has been reproduced above, pointing out that the sites to the sufferers/oustees of Operation Blue Star around Sri Harmandir Sahib had been decided to be allotted at the Collector's rate of

Rs.38,400/- per square yard and in pursuance of such decision taken by the State Government, applications had been invited from the willing oustees of the Operation Blue Star, including the present petitioners, who can apply for allotment of available sites with the Improvement Trust, Amritsar and therefore, the writ petitions were disposed of. The relevant portion of the aforesaid judgment dated 05.01.2005 passed by a Coordinate Bench of this Court is reproduced as under:-

> *"Mr. Dhaliwal, learned counsel representing the Amritsar Improvement Trust, has produced a communication dated 27.07.2012 from the State Government to Executive Officer of the Improvement Trust, Amritsar, pointing out that the sites to the sufferers/oustees of the Operation 'Blue Star' around Sri Harmandir Sahib has been decided to be allotted at the Collector's rate of Rs.38,400/- per square yard. Mr. Dhaliwal further states that in pursuance of such decision of the State Government applications have been invited from the willing oustees of the Operation 'Blue Star' including the present petitioners, who can apply for allotment of available sites with the Improvement Trust Amritsar.*
>
> *In view of such decision of allotment of sites to the petitioners in these four writ petitions, no cause survives to the petitioners.*
>
> *In view of the above, all the writ petitions are disposed of accordingly."*

14. The aforesaid judgment was assailed by the petitioners, who were the oustees, before Hon'ble Supreme Court by filing SLPs, with the lead case bearing SLP(C) No.19234 of 2015 and Hon'ble Supreme Court referred the

cases back to this Court for deciding the issue. It was observed by Hon'ble Supreme Court that a dispute had arisen on the rates at which the land is sought to be allotted and that the respondents had decided to charge at the rate of Rs.38,400/- per square yard. This quantum of rate was not specifically raised before the High Court and in view of these circumstances, Hon'ble Supreme Court observed that it would be more appropriate if the High Court decides as to at what rate the land should be allotted and therefore, the cases were referred back to this Court to decide the aforesaid issue and have now been placed before us for adjudication as to the rate at which the present petitioners and other oustees should be allotted the sites.

15. During the pendency of SLPs before Hon'ble Supreme Court, an interim order was also passed directing the petitioners to deposit the amount at the rate of Rs.10,000/- per square yard before the Registry of Hon'ble Supreme Court. The Registry of Hon'ble Supreme Court was also directed to remit the said amount to the High Court, along with the interest accrued thereon and in this way, the said amount which was deposited by the petitioners before the Registry of Hon'ble Supreme Court was to be transferred to this Court along with the interest accrued thereon. The aforesaid judgment dated 28.02.2017 passed by Hon'ble Supreme Court is reproduced as under:-

> *"It is seen from the record that the petitioners herein had demanded that they should be rehabilitated, being victims as a result of Blue Star Operation. A scheme was formulated for this purpose and the respondent government*

agreed to help them. Offer to allot the land was given to the petitioners herein in this behalf. We may notice that the petitioners had filed writ petitions before the aforesaid decision was taken by the respondents. During the pendency of those writ petitions, the respondents had informed the court that the respondents were agreeable to allot the land to the petitioners herein. On the basis of the statement, the High Court disposed of the writ petitions.

Now a dispute has arisen on the rates at which the land is sought to be allotted. The respondents have decided to change the rate of Rs.38,400/- per square yard which is challenged by the petitioners. This is an issue which was never specifically raised before the High Court.

In these circumstances, we are of the view that it would be more appropriate if the High Court also decides as to at what rate the land should be allotted. We, therefore, refer these cases back to the High Court to decide the aforesaid issue. Since the matters are lingering on for quite some time, we request the High Court to decide these cases within six months.

With the aforesaid observation, these special leave petitions stand disposed of. Pending applications, if any, also stand disposed of accordingly.

An interim order was passed directing the petitioners to deposit the amount at the rate of Rs.10,000/- per square yard before the Registry of this Court. The Registry is, therefore, directed to remit the aforesaid amount to the High Court of Punjab & Haryana at Chandigarh along with the amount of interest which has accrued thereon."

16. In this way, after the cases were remitted back by Hon'ble Supreme Court to this Court, this Court is now to adjudicate upon the quantum of rates on the basis of which the allotment of shops/booths is to be given to the petitioners for the purpose of their rehabilitation as a result of they being oustees of Operation Blue Star in the year 1984. This is the precise issue upon which this Court is delving upon i.e. fixation of the rates for oustees of 1984 Operation Blue Star.

17. Learned counsels for the petitioners have submitted that the petitioners are those persons who are oustees of Operation Blue Star in the year 1984, where at the time of the aforesaid Operation being held, they were displaced and were commencing their business there as tenants. They further submitted that it is not only that the Government of Punjab way back in the year 1991 and thereafter, in the year 2006 under the Chairmanship of the Chief Secretary of the Government of Punjab and the Principal Secretary, Department of Local Bodies, Government of Punjab respectively had consciously decided to allot the sites to the petitioners and other oustees at par with those of the Galiara Project Scheme but rather the petitioners are at a much higher pedestal as compared to the aforesaid oustess of the Galiara Project because they were worst hit and prior in point of time.

18. Learned counsels for the petitioners submitted that the petitioners are those persons who were commencing their work adjoining Sri Darbar Sahib when curfew was imposed and by compulsion and force, their entire work was destroyed and they did not even lift any of their articles because the entire area

was under curfew and all the articles were destroyed and they did not take anything with them, whereas in the case of the Galiara Scheme, the same came into being after four years from Operation Blue Star i.e. in the year 1988 by way of a conscious decision taken by the Government of Punjab for the purpose of clearing the area and beautification of the adjoining area of the Golden Temple Complex, which was done in a planned and phased manner and for those people who were displaced as a part of the Scheme of the Galiara Project, the articles and other materials in the shops were never destroyed or misplaced because displacement happened in a planned and phased manner, whereas in the case of the petitioners, the entire action was taken immediately after imposing curfew and they could not take anything from their shops. They submitted that in this way, the present petitioners, who were the oustees of the year 1984 at the time of Operation Blue Star are at a much better footing and on a higher pedestal as that of the oustees of the Galiara Scheme. They further submitted that for those oustees of the Galiara Scheme, who were tenants as per the Scheme reproduced above, alternate sites were allotted to them at that point of time by way of a conscious decision of the State of Punjab at the rate of Rs.1000/- per square yard, along with different types of subsidies, whereas the respondent-State of Punjab has wrongfully decided by way of the aforesaid decision taken in the year 2012 that the oustees of 1984 Blue Star Operation should be given the site at the rate of Rs.38,400/- per square yard.

19. Learned counsels submitted that it was thereafter that even Resolution No.31 dated 31.01.2020 was passed by the Improvement Trust

fixing the rate at Rs.14,450/- per square yard but this Resolution was rescinded by the State of Punjab because of the aforesaid reason that earlier the rate had been fixed at Rs.38,400/- per square yard. They further submitted that the aforesaid action of the State of Punjab was totally arbitrary and unfair to the petitioners, who have been sufferers of Operation Blue Star for the aforesaid reasons so given. They further submitted that they will be satisfied in case the petitioners are even now given the benefit of the aforesaid Scheme which was applicable to the Galiara oustees, despite the fact that the present petitioners are at a better footing as compared to the aforesaid Galiara Scheme. They also submitted that the petitioners had been sufferers for the last 42 years and that there had been protracted litigation and the respondent-State, being a welfare State, is under a Constitutional obligation to have provided an alternative site immediately after Operation Blue Star was conducted the year 1984, whereby the petitioners were displaced without being given any opportunity of taking away their articles, which were destroyed during the action.

20. On the other hand, Ms. Anu Chatrath, learned Senior Additional Advocate General, Punjab with Ms. Shruti, learned Assistant Advocate General, Punjab submitted that the Government of Punjab has already taken a decision in the year 2012 by fixing the rate at Rs.38,400/- per square yard, which is on the basis of the Collector rate of the area where the shops are to be provided and therefore, the action of the respondent-State is in accordance with law. They further submitted that the respondent-State is ready and willing to allot and transfer the sites at the aforesaid rate to the petitioners. They also submitted that

by way of the order dated 20.05.2026 passed by a Coordinate Bench of this Court, the State Government wishes to reconsider the aforesaid rate and in this regard, the matter is pending before the Cabinet of Punjab, although no final decision has been taken so far.

21. Mr. G. S. Attariwala, learned Senior Counsel appearing on behalf of the Improvement Trust, Amritsar in CWP-15467-2004 and Mr. Sanjeev Soni, learned counsel appearing on behalf of the respondent-Municipal Corporation, Amritsar have submitted that rather the Improvement Trust had taken a decision in the year 2020 by passing a Resolution that the rates can be fixed at Rs.14,450/- per square yard but the State Government thereafter rescinded the aforesaid Resolution. Both the learned counsels have submitted that Hon'ble Supreme Court has so observed that this Court may fix any rate in accordance with law.

22. All the learned counsels for the parties were heard at length.

23. For the purpose of understanding the factual position pertaining to the number of allottes and as to how many were the total allotees and how many have been allotted the alternate sites, the learned Senior Additional Advocate General, Punjab has supplied a brief note during the proceedings before this Court on the factual aspect, which has not been disputed by the learned counsels for the petitioners as well. She has referred to the chart which has been produced before the Court and after seeking instructions from Mr. Rajesh Kumar, Executive Officer of the Improvement Trust, Amritsar, who is present in the Court, submitted that the factual position pertaining to the said 122 persons

is as reflected in the said chart. The said chart is taken on record as Mark-'X'. As per the said chart, 18 persons have already been allotted the sites and have deposited the full price. In the case of 14 persons, allotment letters have been issued as they have deposited 1/4th of the amount at the aforesaid rate of Rs.38,400/- per square yard. 13 persons have also been issued allotment letters on the basis of deposit of 10% of the amount by them at the rate of Rs.38,400/- per square yard and 35 persons have also deposited 10% of the amount at the aforesaid rate of Rs.38,400/- per square yard, but since they have filed writ petitions, the verification is yet to be done. So far as the remaining 42 persons are concerned, no allotment letters have been issued to them but they have still deposited an amount at the rate of Rs.10,000/- per square yard in pursuance of the interim order passed by the Hon'ble Supreme Court. The aforesaid Mark-'X' is reproduced as under:-

> *"**Subject**: Regarding allotment of booths to rehabilitate shopkeepers around Sri Akal Takht Sahib under the Galiara Scheme during the 1984 attack on Sri Akal Takht Sahib Ji.*
>
> *1. Approval was granted by the government vide Memo No. 5/329/06(2)-1HH2/2040 dated 27/7/2015 for allotment through draw instead of auction at the rate of Rs. 38,400/- per square yard.*
> *2. Out of 144 affected persons, 128 persons applied in the draw, and the draw for 122 persons was conducted.*
> *3. Since 122 booth sites were available at the existing site at that time, the draw for 122 persons was conducted, and the draw for the remaining 6 booth sites could not be conducted due to planning/site non-clearance. Out of these 6 persons, 1 person took*

back the earnest money, and the draw for the remaining 5 persons has not been conducted yet.

4. Out of the total 122 persons whose draw was conducted, 80 persons deposited earnest money of Rs. 87,091/- each.

5. Out of the 80 persons, allotment letters were issued to 40 persons at that time, and verification proceedings regarding legal heirs for the remaining 40 persons were ongoing by the Deputy Commissioner, Amritsar, out of which allotment letters were issued to 5 persons after verification of legal heirs.

6. An S.L.P. regarding writ was filed by 42 persons in the Hon'ble Supreme Court, and these persons deposited an amount of Rs. 2,26,800/- per booth in the Hon'ble Supreme Court at the rate of Rs. 10,000/- per square yard.

7. A counter-affidavit was filed by the Trust and Government in this regard, and the Supreme Court on 28/2/2017 remanded the matter, directing the Hon'ble High Court to decide within 6 months.

8. The details of the 122 persons whose draw was conducted are as follows:

Details of 122 Persons	***Description***
18 Persons *(Allotment issued)*	*The full price of Rs.8,70,912/- at the rate of Rs.38,400/- per square yard has been deposited by these persons. Out of these 18, 6 persons have sold the booths further and 6 persons have got the registry done.*
14 Persons *(Allotment issued)*	*1/4th amount of Rs.2,17,728/- at the rate of Rs.38,400/- per square yard has been deposited by these persons.*
13 Persons *(Allotment issued)*	*10 percent amount of Rs. 87,091/- at the rate of Rs. 38,400/- per square yard has been deposited by these persons.*
35 Persons *(Allotment not issued)*	*10 percent amount of Rs. 87,091/- at the rate of Rs. 38,400/- per square yard has been deposited by these persons, and they have gone to the Hon'ble Supreme Court and verification has not been done by them.*

42 Persons *(Allotment not issued)*	*A court case was filed in the Hon'ble Supreme Court, and Rs. 2,26,800/- per booth was deposited in the court.*

9. At present, out of total 18 persons who have deposited full amount, 8 persons have constructed booths at the site."

24. A perusal of the aforesaid data and the submissions made by the learned Senior Additional Advocate General, Punjab, on the basis of the instructions received from the Executive Officer, makes it clear that there were total 128 persons who were eligible as being verified, out of which only 122 persons have been dealt with either by way of allotment or no allotment. So far as the remaining 6 persons are concerned, one person has already withdrawn his money and therefore, cannot be considered but so far as the remaining 5 persons are concerned, their cases could not be considered for allotment because there was no draw of lots conducted for them because there was no place available at the same site where the aforesaid 122 persons have been allotted sites.

25. We are of the considered view that the aforesaid 5 persons, who have not yet been considered for allotment because of non-availability of the sites at the place where 122 persons have been allotted sites, is no reason for discriminating them and therefore, the State is under an obligation to consider the cases of those 5 persons as well.

26. The aforesaid sequence of facts and circumstances would clearly suggest that it is *ex facie* clear and writ large that the petitioners and the similarly situated oustees were the sufferers of displacement in June, 1984 when

Operation Blue Star took place during which curfew was imposed and they were immediately displaced without being given an opportunity to take away the material and articles from their shops. It was thereafter in the year 1988 that a separate Scheme was formulated by the State of Punjab, namely, the Galiara Scheme, which was for the purpose of clearing and beautification of the area around the Golden Temple Complex. In the said scheme, separate rates were fixed for tenants, owners etc. of the shops under the heading of commercial sites. Admittedly, those tenants under the Galiara Scheme, which came into force later on were allotted sites at the rate of Rs.1,000/- per square yard, along with various subsidies.

27. In this way, there are two classification of oustees, which needs to clarified and understood:-

Classification	Description
First Classification	**Oustees of Operation Blue Star (June 1984)** — These are the present petitioners who were displaced as a result of Operation Blue Star.
Second Classification	**Oustees as a result of the Galiara Scheme (1988)** — These persons were displaced four years after Operation Blue Star, pursuant to the Galiara Scheme, which was implemented in a planned and phased manner.

28. A conscious decision was taken by the State of Punjab through the Chief Secretary in the year 1991, whereby it was decided that the oustees of Operation Blue Star, who are the present petitioners, were to be processed on same lines as that of the oustees of the Galiara Scheme. The said decision was reiterated thereafter and in one of the letters reproduced above, a meeting was

held under the Chairmanship of the Principal Secretary, Department of Local Bodies, wherein it was also decided that the petitioners should be given the same benefits as those available to the oustees of the Galiara Scheme. It is therefore shocking as to why the petitioners have been discriminated against vis-a-vis oustees of the Galiara Scheme, which rather came into force later on, whereas the petitioners were at a much more disadvantageous position because they were displaced in June, 1984 when Operation Blue Star took place.

29. Hon'ble Supreme Court in the case of ***M/s. Motilal Padampat Sugar Mills Co. Ltd. versus State of U.P., 1979 (2) SCC 409*** discussed as to how far and to what extent is the State bound by the doctrine of promissory estoppel and held that under our jurisprudence the Government is not exempt from liability to carry out the representation made by it as to its future conduct and it cannot on some undefined and undisclosed ground of necessity or expediency, fail to carry out the promise solemnly made by it nor claim to be the judge of its own obligation to the citizen on an *ex parte* appraisement of the circumstances in which the obligation has arisen. It was further reiterated that the Government, committed to the rule of law, cannot claim immunity from the doctrine of promissory estoppel and cannot say that it is under no obligation to act in a manner that is fair and just or that it is not bound by consideration of "honesty and good faith", that in fact the Government should be held to a high "standard of rectangular rectitude while dealing with its citizens.

30. Hon'ble Supreme Court in another judgment of ***Union of India versus M/s Unicorn Industries, 2019(10) SCC 575*** held that while considering the applicability of the doctrine, the courts have to do equity and the fundamental principle of equity must forever be present in the mind of the Court while considering the applicability of the doctrine and that the doctrine of promissory estoppel must yield when the equity so demands and when it can be shown having regard to the facts and circumstances of the case, that it would be inequitable to hold the Government or the public authority to its promise, assurance or representation. The relevant portion of the aforesaid judgment is reproduced as under:

> *"14. In Kasinka Trading, this Court was considering the case of the appellant, who were manufacturing certain products, requiring PVC resin as one of the raw materials for its manufacturing process. By Notification No. 66 dated 15.03.1979 issued under section 25 of the Customs Act, 1962 which is pari materia with section 5A of the Central Excise Act, the PVC resin was exempted from basic import duty. The exemption was to be effective till 31.03.1981. However, by Notification No. 205 dated 16.10.1980 issued under section 25 of the Customs Act, the exemption granted earlier came to be withdrawn. A challenge similar to the one which is raised herein was raised before this Court. This Court observed thus:*
>
> > *"12. It has been settled by this Court that the doctrine of promissory estoppel is applicable against the Government also particularly where it is necessary to prevent fraud or manifest injustice. The doctrine, however, cannot be pressed into aid to compel the*

Government or the public authority "to carry out a representation or promise which is contrary to law or which was outside the authority or power of the officer of the Government or of the public authority to make". There is preponderance of judicial opinion that to invoke the doctrine of promissory estoppel clear, sound and positive foundation must be laid in the petition itself by the party invoking the doctrine and that bald expressions, without any supporting material, to the effect that the doctrine is attracted because the party invoking the doctrine has altered its position relying on the assurance of the Government would not be sufficient to press into aid the doctrine. In our opinion, the doctrine of promissory estoppel cannot be invoked in the abstract and the courts are bound to consider all aspects including the results sought to be achieved and the public good at large, because while considering the applicability of the doctrine, the courts have to do equity and the fundamental principles of equity must for ever be present to the mind of the court, while considering the applicability of the doctrine. The doctrine must yield when the equity so demands if it can be shown having regard to the facts and circumstances of the case that it would be inequitable to hold the Government or the public authority to its promise, assurance or representation."

15. It could thus be seen that, this Court has clearly held that the doctrine of promissory estoppel cannot be invoked in the abstract and the courts are bound to see all aspects including the objective to be achieved and the public good at *large. It has been held that while considering the applicability of the doctrine, the courts have to do equity and the fundamental principle of equity must forever be present in the mind of the Court while considering the applicability of the doctrine. It has been held that the doctrine of promissory estoppel must yield when the equity so demands and when it can be shown having regard to the facts and circumstances of the case, that it would be inequitable to hold the Government or the public authority to its promise, assurance or representation. After considering the earlier judgments on the issue, which have been heavily relied upon by the assesses, this Court has observed thus:*

> *"21. The power to grant exemption from payment of duty, additional duty etc. under the Act, as already noticed, flows from the provisions of Section 25(1) of the Act. The power to exempt includes the power to modify or withdraw the same. The liability to pay customs duty or additional duty under the Act arises when the taxable event occurs. They are then subject to the payment of duty as prevalent on the date of the entry of the goods. An exemption notification issued under Section 25 of the Act had the effect of suspending the collection of customs duty. It does not make items which are subject to levy of customs duty etc. as items not leviable to such duty. It only suspends the levy and collection of customs duty, etc., wholly or partially and subject to such conditions as may be laid down in the notification by the Government in "public interest". Such an exemption by its very nature is susceptible of being revoked or modified or subjected to other conditions. The supersession or revocation of*

> *an exemption notification in the "public interest" is an exercise of the statutory power of the State under the law itself as is obvious from the language of Section 25 of the Act. Under the General Clauses Act an authority which has the power to issue a notification has the undoubted power to rescind or modify the notification in a like manner."*

31. In a recent judgment, Hon'ble Supreme Court laid down following principles governing the doctrine of promissory estoppel in ***State of Himachal Pradesh and others versus M/s Kundlas Loh Udyog, 2026 AIR Supreme Court 3191.*** The relevant portion of the aforesaid judgment is reproduced as under:-

> "*59. Upon a conspectus of the above authorities discussed in IFGL Refractories Ltd. (supra) and other cases as dealt above, the following principles governing the doctrine of promissory estoppel may be regarded as well-settled:*
>
> *(i) The doctrine of promissory estoppel is a principle evolved by equity to avoid injustice. It operates not in the realm of contract, nor within the technical confines of estoppel under the law of evidence, but upon the broader considerations of fairness, justice and good conscience;*
>
> *(ii) Where one party, by words or conduct, makes to another a clear, unequivocal and unambiguous promise, intended to create legal relations or affect a legal relationship to arise in the future, knowing or intending that it would be acted upon, and it is in fact so acted upon, the promise becomes binding upon the promisor;*

(iii) The doctrine of promissory estoppel is a doctrine whose foundation is that an unconscionable departure by one party from the subject matter of an assumption which may be of fact or law, present or future, and which has been adopted by the other party as the basis of some course of conduct, act or omission, should not be allowed to pass muster. And the relief to be given in cases involving the doctrine of promissory estoppels contains a degree of flexibility which would ultimately render justice to the aggrieved party;

(iv) The doctrine is not merely defensive in nature. Under Indian law, it may itself furnish a cause of action and can be affirmatively enforced where equity so requires;

(v) It is not necessary, in order to attract the doctrine, that the promisee should prove actual detriment. It is sufficient that the promisee has altered his position, acting in reliance upon the promise;

(vi) The alteration of position may consist in making substantial investments, incurring liabilities, establishing industrial infrastructure, entering into agreements, or otherwise rearranging one's affairs on the faith of the representation;

(vii) The doctrine applies with full force against the State, its departments, statutory corporations and instrumentalities, including authorities falling within Article 12 of the Constitution, which cannot arbitrarily resile from a solemn representation upon which another has acted;

(viii) Where the State or its instrumentalities frame industrial or fiscal incentive schemes with the avowed object of attracting investment and establishing industries, the representations contained therein are intended to induce

entrepreneurs to act upon them, and such representations are enforceable. Once an entrepreneur, relying upon such representation, establishes an industrial unit, commences commercial production, or otherwise satisfies the eligibility conditions during the currency of the scheme, and the State agencies recognise them as being eligible, the promise crystallises, and an enforceable equity arises in its favour. Whether a benefit has accrued or not in such cases depends on the facts and circumstances of each case;

(ix) The grant of an exemption, concession or incentive under a statutory scheme is ordinarily defeasible, and the Government is competent to modify or revoke the same in exercise of the very power under which it was granted. Thus, what is granted can ordinarily be withdrawn. However, the Government may be precluded from doing so on the ground of promissory estoppel, which principle itself remains subject to considerations of equity and public interest.

(x) Where a specific sanction or approval of incentive, or eligibility certificate has been issued in favour of an individual enterprise, and the enterprise has acted thereon by making a substantial investment, the promisor is all the more firmly bound by its representation;

(xi) The doctrine rests upon the larger constitutional principle that State action must be fair, non-arbitrary, and consistent; governmental assurances are not empty declarations, but solemn representations on the faith of which citizens regulate their affairs; and

(xii) The ultimate object of the doctrine is to prevent manifest injustice and to ensure that a party, particularly the

> *State, does not act inconsistently to the prejudice of one who has relied upon its promise and altered his position irretrievably."*

32. A perusal of the aforesaid judgment would show that the rationale, especially when the matter pertains to displacement in such peculiar circumstances by a welfare State, the doctrine rests upon the larger constitutional principle that State action must be fair, non-arbitrary and consistent and that governmental assurances are not empty declarations, but solemn representations on the faith of which citizens regulate their affairs and the ultimate object of the doctrine is to prevent manifest injustice and to ensure that a party, particularly the State, does not act inconsistently to the prejudice of one who has relied upon its promise and altered his position irretrievably.

33. It was also discussed in detail by Hon'ble Supreme Court in the aforesaid judgment in ***M/s Kundlas Loh Udyog's case (supra)*** that it is the unfairness and arbitrariness of the State which has to be seen while deliberating upon the doctrine of promissory estoppel as well.

34. Although the doctrine of promissory estoppel may not apply in *stricto sensu* in the facts and circumstances of the present case as it was not a case of altering of position after promise was made but the doctrine of promissory estoppel is a principle evolved by equity to avoid injustice. Neither does it operates in the realm of contract nor within the technical confines of estoppel under the law of evidence but in fact, it operates upon the broader considerations of fairness, justice and good conscience and the relief that is to be given in cases involving the doctrine of promissory estoppel contains a

degree of flexibility which would ultimately render justice to the aggrieved party. The doctrine of promissory estoppel is not merely defensive in nature, in fact under the Indian Law, it may itself furnish a cause of action and can be affirmatively enforced where equity so requires. Therefore, the rationale and underlying principle behind the doctrine will be applicable considering the seriousness and extraordinary circumstances of the present cases. There was no justification for the State of Punjab to have arbitrarily fixed rates @38,400/- per square yard in the year 2012, when the Government through its Chief Secretary on 28.11.1991 and Principal Secretary on 14.09.2006, by way of above reproduced letters, decided that these oustees of Operation Blue Star in 1984 will be treated at par with the oustees of subsequent Galiara Project, who were allowed @ 1,000/- per square yard. It is in this context, the State Government is rather estopped from putting the petitioners at a disadvantageous position by creating an artificial discrimination. The action of the State is *ex facie* unfair, discriminatory and arbitrary as it is violative of Articles 14, 19 and 21 of the Constitution of India.

35. This Court is of the considered view that the State Government had been totally unfair, discriminatory and unsympathetic towards the petitioners and the similarly situated oustees, who were displaced by compulsion and force due to Operation Blue Star. There was no justifiable reason for the State Government to depart from the rates that had been fixed under the Galiara Scheme and made applicable to the oustees of 1984 Operation Blue Star.

36. Considering the aforesaid facts and circumstances, we deem it fit and proper to dispose of the present writ petitions keeping in view the peculiar and special circumstances of the present cases and in order to advance substantial justice, by invoking our extraordinary jurisdiction under Article 226 of the Constitution of India, by issuing the following directions:-

(i) The petitioners, who are the displaced persons and oustees during Operation Blue Star, shall be allotted the booths/sites at the same rate as that of oustees under the Galiara Scheme i.e. Rs.1,000/- per square yard, which rate this Court deems it fit and proper to fix for the petitioners. The petitioners shall also be entitled for all the other benefits of Galiara Scheme.

(ii) Those 18 persons who have already accepted the allotment by paying the entire amount at the rate of Rs.38,400/- per square yard shall not be disturbed. The 5 persons who have not even been considered under the Scheme because of non-availability of space at the dedicated site shall also be offered alternate sites by the State at the same rate as aforesaid i.e. Rs.1,000/- per square yard, along with other benefits of Galiara Scheme.

(iii) The amount of Rs.10,000/- per square yard, which has been deposited by the petitioners before Hon'ble Supreme Court and which has been transferred to this Court along with interest, shall be adjusted against the aforesaid total cost of the shop and in case

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any refund is to be made by the State to the petitioners, the same shall be made accordingly.

37. We have issued the aforesaid directions in view of the rigour and hardship which the petitioners have faced for the last 42 years, which this Court is of the firm view have infringed upon their Fundamental Rights, including the rights guaranteed under Articles 14, 21 and 19 of the Constitution of India.

38. The aforesaid exercise of allotment of the sites at the aforesaid rate, including all consequential formalities relating to the registration of sale deeds, delivery of possession etc., shall be completed within a period of two months from today.

39. List these cases for compliance purposes after two months.

40. Miscellaneous applications, if any, shall also stand disposed of.

41. A photocopy of this order be placed on the files of other connected cases.

(JASGURPREET SINGH PURI)
JUDGE

(PRAVINDRA SINGH CHAUHAN)
JUDGE

07.09.2026
Chetan Thakur

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