



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5966-2025

Date of decision : 08.07.2026

Vijaypal alias Vijay and others

... Petitioners

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr.Devender Kumar, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, Addl.A.G. Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 17.03.2021 (Annexure P-4) passed by respondent no.2 vide which the application dated 26.09.2019 (Annexure P-2) filed by the petitioners has been dismissed.

2. Learned State counsel at the outset has pointed out that it has been concurrently found that the petitioners were not the owners of the property at the time of consolidation and as per their case, they have purchased the same in the year 1979. It is submitted that in the said circumstances, it was correctly observed that the petitioners did not have the



right to file an application under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

3. Learned counsel for the petitioners has submitted that in view of the same, the petitioners be permitted to withdraw the present writ petition with liberty to file a civil suit in accordance with law but has submitted that the observations made in the impugned order should not come in the way of the said civil suit and that the Civil Court be directed to decide the same independently, in accordance with law.

4. Learned State counsel has submitted that he has no objection to the said course of action and has further submitted that in case any such civil suit is filed and the State is also made a party, then, liberty be granted to the State to raise all pleas as are available to them.

5. Keeping in view the above said facts and circumstances and the fair stand taken on behalf of the petitioners as well as the respondent-State, the petitioners are permitted to withdraw the present writ petition with liberty to file a civil suit in accordance with law.

6. In case any such civil suit is filed, the same would be considered by the Civil Court independent of the observations made in the impugned order, as the petitioners have been non-suited on the ground that the application under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 is not maintainable on behalf of the petitioners who are subsequent purchasers, in accordance with law. In case any such suit is filed, it would be open to all



the parties to raise all pleas in accordance with law, which the Civil Court would decide independently in accordance with law.

(VIKAS BAHL)
JUDGE

(SUBHAS MEHLA)
JUDGE

July 08, 2026.
Davinder Kumar

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