

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

CWP No. 16464 of 1994

Date of decision : 04.02.2015

Ram Parkash

....Petitioner

V/s

State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajiv Sharma, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

RAJAN GUPTA J.

Petitioner has impugned the order, operative part
whereof reads as under:-

"A practice prevalent cannot over-rule the law. The petitioner is an old tenant and his holding under the law should have been declared as tenants permissible area and the entire holding should have been protected under the Haryana Ceiling on Land Holdings Act. However, the petitioner has claimed only the lesser benefit of allotment of 2 hectares of land which is less than his holding of 36 kanals and 6 marlas. He is, therefore, entitled to only this much of remedy. I, therefore, order that from within the holding of the petitioner, land equivalent to 2 standard hectares be kept for him and only the residue may be allotted to other eligible persons including the respondent. The Revenue Officers below must obey the orders and not subject the petitioner to any further harassment. Announced."

Order has been assailed by petitioner on the ground that
same is wholly arbitrary. The authority has not taken into

consideration all aspects of the matter. According to the scheme, a person in 'CC' category is entitled to 2 hectares of other category land or equivalent thereof.

Prayer has been opposed by learned State counsel. According to him, a perusal of the order would show that petitioner is a old tenant and is entitled to protection under Haryana Ceiling on Land Holdings Act. According to him, only 2 hectares of land has been allotted to him which is lesser than his holdings.

Heard.

I find no infirmity with the order passed by Financial Commissioner, Haryana. He has only directed that land equivalent to 2 standard hectares be kept for tenant and residue be allotted to other eligible persons. There appears to be no legal infirmity with this finding. Under the circumstances, there is no scope for interference in writ jurisdiction. Dismissed.

February 04, 2015
Ajay

(RAJAN GUPTA)
JUDGE