

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

**LPA No.121 of 1999 (O&M)
Date of decision: 18.11.2015**

Bhagwan Singh and others

...Appellants

Versus

The State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present: Mr. Amarjeet Markan, Advocate,
for the appellants.

Mr. B.S.Chahal, DAG, Punjab
for respondents No.1 to 3.

Mr. Kulwant Singh, Advocate,
for respondent No.4.

Mr. R.S.Chauhan, Advocate,
for respondent No.6.

SATISH KUMAR MITTAL, J.

This intra-court appeal under Clause X of the Letters Patent has been filed against the judgment dated 02.12.1997 passed by the learned Single Judge, while allowing Civil Writ Petition No.2008 of 1982 filed by Rattan Chand Jain. The matter was remanded to the Collector with a direction to find out whether the land in question was not utilized at the commencement of the Punjab Land Reforms Act and if that be so, first steps be taken for fixation of ceiling of landowners and declaring the surplus area afresh in accordance with the provisions of Punjab Land Reforms Act after giving the notice to all the concerned parties.

While admitting this appeal on 10.11.2005 no stay order was passed. Ultimately after the remand, the Collector vide order dated 10.10.2000 (Annexure P-4) decided the controversy while holding that there was no surplus land area in the hand of the land owners. The said order was upheld vide order dated 12.02.2003 by the Commissioner on revision filed by the respondent.

Admittedly, the allottees were not given any notice as per the remand order and before passing any order they must have been heard, therefore, the case was again remanded to the Collector for fresh decision vide order dated 17.12.2003. Against the said order, the civil writ petition filed by land owner is pending i.e. CWP No. 12025 of 2005.

In view of the aforesaid observations, the LPA filed by the present appellants has become infructuous, and it will be open for the appellants and all the concerned parties to raise their points, in terms of the order of the Financial Commissioner, before the Collector or before the learned Single Judge also.

Dismissed as having been rendered infructuous.

(SATISH KUMAR MITTAL)
JUDGE

(SHEKHER DHAWAN)
JUDGE

November 18, 2015
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