

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

CWP No. 15713 of 2009 (O&M)

Date of decision: 08.05.2015

State of Haryana through Naib Tehsildar

...Petitioner

Versus

Ram Phal and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Birender Singh Rana, Sr. Advocate with
Mr. Rajinder Pal, Advocate for the respondents.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of the impugned order dated 31.03.2009, passed by the Commissioner, Hisar in file No. 5087 of 2006 (P.P Act), whereby the appeal of respondents Nos. 1 to 55 against the order dated 18.10.2006 passed by the Collector, Narwana in file No. 21 of 16.12.2005, under Sections 4,5,6 of P.P. Act has been accepted.

The learned State counsel submits that the Collector, Jind has set aside the mutation No.5090 and directed the Assistant Collector for affording an opportunity to private respondents and to pass a fresh order. On 18.10.2006, the Collector, Narwana directed eviction of private respondents from the property. Against the order passed by the Collector,

the respondents preferred an appeal before the Divisional Commissioner, which was accepted, vide order dated 31.03.2009. Aggrieved thereby, the State has filed an appeal before the Financial Commissioner. The learned Financial Commissioner, considering the facts on record, has set aside the order dated 31.03.2009 of Divisional Commissioner, Hisar and affirmed the orders dated 14.06.2006 and 03.04.2007, passed by the learned Collectors.

In view of the position explained, vide order dated 04.09.2014 of the Financial Commissioner, the stated purpose of filing the present writ petition is already achieved. In the circumstances, the present petition is disposed of as having rendered infructuous. However, if any issue still remains unaddressed, the liberty is given to the petitioner to revive the present petition.

08.05.2015

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(JITENDRA CHAUHAN)
JUDGE