

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.1528 of 2015

Date of Decision: January 29, 2015

Sunder Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.J.P.Sharma, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner seeks a direction to the authorities including Gram Panchayat of village Daroli Jaat, Tehsil and District Mahendergarh to formally allot the land where residential house has been constructed and for which his father had deposited the due amount as was assessed by the Assistant Collector, 1st Grade, Mahendergarh vide order dated 27.08.1975.

It appears from the averments made by the petitioner that the Gram Panchayat had filed an eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, against the petitioner's father Prabhati Lal, which was allowed by the Assistant Collector, 1st Grade, Mahendergarh and the appeal filed by Prabhati Lal was also dismissed. The Gram Panchayat initiated execution proceedings in which the petitioner's father offered to purchase the property in dispute. Consequently, the Assistant Collector, 1st Grade vide order dated 27.08.1975 (Annexure P-1) is said to have assessed the market value of the land which was then duly deposited by the

petitioner's father vide receipts dated 17.03.1976 and 27.03.1976 (Annexures P-2 & P-3), respectively.

After representing different authorities including the Deputy Commissioner, Narnaul, the petitioner has instituted the instant writ petition seeking a mandamus that the authorities be directed to formalize and acknowledge his ownership by issuing appropriate allotment deed of the property in dispute.

As the facts noticed above reveal, the petitioner has raised a question of fact duly supported with some official documents. His claim, thus, requires to be ascertained by the Competent Authority, of course, after hearing the Gram Panchayat as well. Consequently and without expressing any views on merits, we dispose of this writ petition with a direction to the Deputy Commissioner, Narnaul, district Mahendergarh to take cognizance of the petitioner's representation dated 06.12.2014 (Annexure P-4) and decide the above-mentioned claim and/or refer the matter to the Competent Authority, if any, within a period of four months from the date of receiving a certified copy of this order. The Gram Panchayat shall also be heard before any order is passed.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 29, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE