

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.17283 of 2015

Date of Decision: August 20, 2015

Satish Kumar and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present: Mr.Gaurav Mohunta, Advocate, for the petitioners.
Ms.Kirti Singh, Deputy Advocate General, Haryana.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Ms.Kirti Singh, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Let three copies of the writ petition be supplied to the State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

First petitioner is Ex-Sarpanch whereas petitioner No.5 is the Lambardar of village Harsana Kalan, District Sonapat. Petitioner Nos.2, 3 & 4 are Government officials. All

of them were members of the Committee constituted for allotment of 100 square yard plots to the residents of the village living below poverty line.

The Committee comprising the petitioners selected 348 residents of village Harsana Kalan, Block Sonapat. On a complaint, an enquiry was held and it was found that only 161 persons were eligible and rest of the allottees were ineligible persons. Accepting that report, the Deputy Commissioner, Sonapat has passed the impugned order dated 10.08.2015 (P-5) whereby he has cancelled the allotment of plots in favour of ineligible persons and has further directed the police to register a case against the petitioners.

According to the petitioners, out of 348 successful allottees, only 160 persons have been given possession and rest of the others were neither given possession nor any gift deed was executed in their favour.

Feeling aggrieved by the registration of case, the petitioners have approached this Court.

We have heard learned counsel for the petitioners and gone through the enquiry report.

Since the principal grievance of the petitioners is that they were not heard before passing the impugned order, we relegate them to approach the Deputy Commissioner, Sonapat by way of a comprehensive representation or this writ petition may be treated as a representation on their behalf. The Deputy Commissioner shall afford an opportunity of personal hearing to the petitioners and in case he finds any merit in the petitioners' claim, he shall be at liberty to suitably modify the order dated 10.08.2015. However, if the Deputy Commissioner is not satisfied with the explanation put-forth by

the petitioners, the law must take its own course.

Let the needful be done within a period of one week.

The writ petition stands disposed of accordingly.

Let a copy of this order be given Dasti to Ms.Kirti Singh, learned Deputy Advocate General, Haryana, for information and necessary compliance.

[SURYA KANT]
JUDGE

August 20, 2015
mohinder

[JASPAL SINGH]
JUDGE