

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

Civil Writ Petition No.22951 of 2014

Date of Decision: 11.03.2015

Abdul Sattar

..... Petitioner

Vs.

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Dinesh Ghai, Advocate for the petitioner.

JASWANT SINGH, J. (Oral)

The petitioner, after a delay of more than 23 years, has filed the present writ petition for setting aside the impugned order dated 07.05.1991 (**P-6**), passed by respondent No.3-Naib Tehsildar (Sales)-cum-Managing Officer, Malerkotla, vide which part of the property (measuring 138 Bighas and 6 Biswas) has been allotted to respondent No.8/Nachchatar Singh and for directing the respondents to restore the actual physical possession of the total land measuring 138 Bighas and 6 Biswas as per jamabandi 1961-62 situated in Village Bir Ahmedabad, Tehsil Malerkotla.

It is averred that his father-Sh. Faiz Mohd. and his uncles-Abdul Gani and Ibrahim were owners in possession of the aforesaid land measuring 138 Bighas and 6 Biswas at the time of partition of the country. Although, all the three had not migrated to Pakistan, yet the Rehabilitation Department illegally temporarily allotted portion of the land in question to the predecessor of respondent Nos.4 to 7 by treating it to be an evacuee property. The said temporary allotment was cancelled vide order dated 15.12.1965 and the same was challenged and claim for conformation is pending adjudication in CWP No.8342 of 1991 filed by respondent

Nos.4 to 7, being successor-in-interest of original allottee Jaswant Singh. It is stated that the petitioner has filed an application under Order 1 Rule 10 CPC for his impleadment in the said pending writ petition. It is further apparent from the Roznamcha regarding Rapat No.398 dated 04.05.1978 (**P-4**) and order dated 24.04.1978 (**P-5**), passed while considering the case of allotment to one Prem Singh, it was noticed that Faiz Mohd. i.e. father of the petitioner had not migrated to Pakistan while the brother of Faiz Mohd. had migrated, therefore, the share of the brothers was noticed to be belonging to the Central Government while Faiz Mohd. was reported to have sold land out of his share measuring 40 Bighas and 6 Biswas to one Gajan Singh and others in the year 1956, 53 Bighas and 5 Biswas was allotted to one Vishnu in the year 1959 and 44 Bighas and 15 Biswas to the predecessor-in-interest of respondent Nos. 4 to 7 out of the total land measuring 138 Bighas and 6 Biswas. It is also not in dispute that the uncles-Ibrahim and Abdul Gani have never come forward to challenge the treating of their share in the property as evacuee property.

After making submissions at length and having failed to convince the Court on merits, learned Counsel for the petitioner seeks permission to withdraw the present writ petition.

Dismissed as withdrawn.

March 11, 2015
Gagan

(JASWANT SINGH)
JUDGE