

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

CWP No. 26678 of 2014

DATE OF DECISION : 17.08.02015

Bharat Singh

.... PETITIONER

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. K.K. Saini, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Ashwani Kumar Bura, Advocate,
for respondent No.9.

Mr. Ramesh Goyat, Advocate,
for respondent No.11.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioner, a resident of village Bhangrola, Tehsil and District Gurgaon, has filed the instant writ petition in public interest for quashing the allotments of 100 square yards residential plots to respondents No.8 to 10. These plots were allotted in the year 1983 under the scheme for allotment of plots to the landless persons belonging to the Scheduled Castes, Backward Class and weaker section of the society. This petition has been filed after more than 32 years of the allotment. The petitioner has

challenged the aforesaid allotment on the ground that as per the terms and conditions of the allotment, the allottee could not have sold these plots, whereas respondents No.8 to 10 have sold the plots in contravention of the condition of allotment, therefore, allotment of these plots is to be cancelled.

In the written statement filed on behalf of respondents No.1 to 6, the factum of allotment of 100 square yard residential plots to respondents No.8 to 10 has been admitted. It has been stated that those allotments were made as per the terms and conditions prescribed under the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act of 1961') and the Punjab Village Common Lands (Regulation) Rules, 1964 (herreinafter referred to as 'the Rules of 1964'). It has been pointed out that under Rule 13-A of the Rules of 1964, which lays down the terms and conditions on which allotment was to be made, the donee shall not sell, lease, mortgage or dispose of the land in any manner, whatsoever, before the expiry of a period of twenty years from the date of allotment. Undisputedly, in the present case, respondents No.8 to 10 have sold their residential plots vide registered sale deeds in the year 2006, i.e. after expiry of more than 20 years from the date of allotment.

Learned counsel for the petitioner does not dispute the aforesaid legal and factual position. He argued that in the letter of allotment, no such condition was laid that the allottee can sell or transfer the plot after expiry of 20 years from the date of allotment. However, the fact remains that

the allotments in this case were under the Act of 1961 and the Rules of 1964, where there is a specific condition that the allottee can not sell or lease the allotted land before the expiry of a period of twenty years from the date of allotment, but thereafter definitely the allottee has a right to sell the plot. Therefore, we are of the opinion that the petitioner has no case.

In view of the above, when this court was not inclined to entertain this petition, learned counsel for the petitioner, on instructions, stated that he does not want to press this petition.

Dismissed as not pressed.

**(SATISH KUMAR MITTAL)
JUDGE**

August 17, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**