

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.9641-2012

Date of Decision: 21.09.2015

MANKOURI AND ORS.

....Petitioners.

VERSUS

STATE OF HARYANA AND ORS.

....Respondents.

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. O.P Goel, Sr.Advocate, with
Mr. P.K Chugh, Advocate, &
Ms. Shamita Kaushik, Advocate,
for the petitioners.

Mr. P.P Chahar, DAG, Haryana.

Mr. R.S Sharma, Advocate,
for petitioner No.4.

Mr. M.R Verma, Advocate,
for respondents No. 3 to 7.

RAKESH KUMAR JAIN, J. (Oral)

The petitioners are aggrieved against the order dated
06.10.2010 passed by the Financial Commissioners, Haryana.

It is pertinent to mention that on account of a decree of
pre-emption in favour of Mulla (dead) by LRs and also Godhu Ram
and another, the matter reached up to Supreme Court, wherein

following directions were issued:

“We, direct the Collector concerned to treat the land concerned in the decree of pre-emption as property belonging to the respondents and determine whether it would exceed their ceiling limits. If upon determination, if it is found that the respondents are entitled to additional land to make good their deficiency upto ceiling limits, then the Collector shall make an order dispossessing the appellants pro-rata to make good that deficiency. On the other hand if the respondents are already in possession of lands upto the ceiling limits, the appellants need not be dispossessed at all.”

The matter then reached to the Financial Commissioner and was taken up by the two Financial Commissioners, who have passed a detailed order laying down the following directions:

- “i) The Respondents shall first submit a declaration as per form D with reference to their total landholding in the year 1967 in the entire State of Haryana to Collector, Surplus Area, Ratia.*
- ii) The Collector shall provide an opportunity to Petitioners to file their objections if any to such disclosure of land details.*
- lii) Collector shall thereafter get verified the details through his subordinate revenue officers and after due consideration and full satisfaction, determine the landholding of the Respondents Godhu etal and allowing 30 standard acres or 60 ordinary acres to each Respondent and if there is any shortfall, the same shall be made up by transferring the suit land in possession of petitioners.*
- iv) Since determination of status is as per the year 1967, Collector must determine the status of land described as banjar qadim as in that year, and only thereafter grant if required the exception available under the Act by specific order.”*

After hearing learned counsel for the parties in detail and

on their consent, the present writ petition is hereby disposed of with the direction to the Collector surplus area to decide the matter pending before it as early as possible preferably within a period of four months on submission of form 'D' by the petitioners, in term of order dated 06.10.2010 and complying with the other directions referred to above.

It is made clear that in case the directions issued by this Court is not complied with, the Collector surplus may face the proceedings under the Contempt of Courts Act, 1971.

21.09.2015*PA***(RAKESH KUMAR JAIN)
JUDGE**