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

**CWP No.731 of 2014 (O&M)
Date of Decision: 12.02.2015.**

Roshan & another

.....Petitioners

Vs.

State of Haryana & others

.....Respondents

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

Present: Mr. Radhe Shyam Sharma, Advocate
for the petitioners.

Mr. R.K.S. Brar, Addl. A.G, Haryana.

Mr. Akshay Jindal, Advocate
for respondent No.4.

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)

The challenge herein is laid to the order dated 25.06.2013 (Annexure P-5) passed by SDO(Civil)-cum-Collector, Assandh, whereby he entertained an appeal against the sanctioning of mutation No.1747 by the A.C. IInd Grade, Assandh, vide order dated 17.06.2005 of the registered gift deeds executed by the Gram Panchayat of village Chochra, Tehsil Assandh, District Karnal, in favour of the petitioners and proforma respondents.

[2]. The Collector has vide order dated 25.06.2013 cancelled the gift deeds of 100 square yards residential plots made by the Gram Panchayat in favour of the petitioners and proforma

respondents and consequently has set aside the mutation also.

[3]. The grievance of the petitioners is that they were not heard by the Collector before passing the above-stated order.

[4]. It does appear from the impugned appellate order that the allottees were not given notices and they had thus no opportunity to defend the gift deeds in their favour. The allottees appears to have been adversely affected in violation of principles of natural justice.

[5]. For the aforesaid reason but without expressing any views on the legality of the gift deeds executed in favour of the petitioners or other allottees, we set aside the above-stated appellate order dated 25.06.2013 (Annexure P-5) and remit the case to the SDO(Civil)-cum-Collector, Assandh, to decide the matter afresh after hearing the petitioners and other allottees as well as the Gram Panchayat or the other stake-holders.

[6]. The appropriate order shall be passed by the Collector, within a period of four months from the date of receiving certified copy of this order.

[7]. The parties are directed to appear before the Collector on 16.03.2015.

[8]. Ordered accordingly.

(SURYA KANT)
JUDGE

February 12, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE