

CWP No.8183 of 2015

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

CWP No.8183 of 2015 (O&M)

Date of decision: 12.08.2015

Smt. Khazani Devi

....Petitioner

Versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: - Mr. Ajay Jain, Advocate, for the petitioner.
Mr. Rajneesh Chadwal, DAG, Haryana.
Mr. Chetan Mittal, Sr. Advocate, with
Mr. Vikrant Pamboo, Advocate, for the applicant.

PARAMJEET SINGH, J. (ORAL)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the show-cause notice (Annexure P-2) whereby Dalip son of Mange Ram and husband of the petitioner was asked to show cause on 30.06.2014 as to why order of eviction was not to be passed against him and order dated 29.12.2014 passed by Sub Divisional Officer (Civil), exercising the powers of Collector, Hisar, whereby husband of the petitioner has been ordered to be evicted from the land in dispute.

Heard.

Learned counsel for the petitioner submits that Dalip husband

CWP No.8183 of 2015

of the petitioner has expired on 21.07.1997. Copy of the death certificate is placed on record as Annexure P-5. The show cause notice (Annexure P-2) to Dalip Singh has been issued in June, 2014. Dalip had died much prior to the issuance of show cause notice and order of eviction, therefore, the impugned notice as well as the order are null and void.

Contention of the learned counsel for the petitioner and the perusal of record clearly show that show cause notice (Annexure P-2) is null and void as the same has been issued to a dead person and the proceedings initiated on that basis are also not sustainable in the eyes of law.

In view of above, show cause notice (Annexure P-2) and impugned order dated 29.12.2014 (Annexure P-4) are set aside. However, State of Haryana will be at liberty to issue notice to the LRs of Dalip son of Mange Ram and proceed in accordance with law.

Disposed of.

August 12, 2015
R.S.

(Paramjeet Singh)
Judge