

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

LPA No. 1592 of 2015 (O&M)

DATE OF DECISION : 03.11.2015

Ram Kumar and others

.... APPELLANTS

Versus

Harminder Singh (deceased) through his LRs and others

.... RESPONDENTS

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

Present : Mr. Ashok Verma, Advocate,
for the appellants.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the interim order dated 26.08.2015 passed by the learned Single Judge, whereby the applications (CM Nos. 6001-CWP of 2014 and 577-78-CWP of 2015) under Order I Rule 10 (2) read with Section 151 of the Code of Civil Procedure filed by the appellants for impleading them as respondents in the writ petition (CWP No. 14417 of 1992) filed by sons of big land owner against the State of Haryana with regard to declaration of the surplus land have been dismissed, while observing as under :-

“I have considered the contention raised by learned counsel for the applicants. In fact the order declaring the area of the big landowner as surplus under the Punjab Security of Land Tenures Act, 1953 has been challenged on various grounds, including coming into operation

new Act i.e. the Haryana Ceiling on Land Holdings Act, 1972. Thus, it is yet to be determined whether area of the big landowner was declared surplus rightly or wrongly. Right to the applicants will accrue only if the area is declared surplus. At this stage, applicants are not necessary party to the writ petition.

Dismissed. However, applicants will be at liberty to avail other remedies in accordance with law.”

After hearing learned counsel for the appellants, we are not inclined to interfere with the aforesaid order, as we are also of the view that the appellants are not necessary party in the writ petition with regard to declaration of the surplus land in the hands of the big landowner, as proceedings have been initiated by sons of the big landowner, who became major.

No merit. Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

November 03, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**