

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

**RA-CW-667 of 2014 (O&M)
in CWP No. 16609 of 2012
Date of Decision: January 12, 2015**

M/s Haryana Oil Corporation, Gharaunda and another

... Applicants-petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Sudhir Mittal, Advocate,
for the applicants-petitioners.

Paramjeet Singh, J. (Oral)

CM-15805-CWP of 2014

Allowed, as prayed for.

RA-CW-667 of 2014

Instant review application has been filed under Order 47 Rule 1 read with Sections 114 and 151 C.P.C. for review of judgment dated 11.11.2014.

Learned counsel for the applicants-petitioners contends that first ground for review of judgment dated 11.11.2014 is that it is wrongly mentioned in the judgment that the land in question is 2 kanals and 8 marlas. In fact, it is 2 kanals and 18 marlas. Learned counsel further

contends that in the civil proceedings it has been determined that the Municipal Council is not the owner of *bachat* land.

I have considered the contentions raised by learned counsel for the applicants-petitioners and perused the record.

So far as the first contention of the learned counsel that it has been wrongly mentioned in the judgment that the area in question is 2 kanals and 8 marlas, rather it is 2 kanals and 18 marlas, is concerned, it is against his own pleadings. Para no.3 of the writ petition is as under:-

“3. That the petitioner no.1 firm had purchased the petrol pump along with site underneath by a registered sale deed dated 15.4.1997 from its earlier proprietor Shri Mahesh Kumar Sehgal. It would be necessary to submit here that vide sale deed dated 15.4.1997, Mahesh Kumar Sehgal had sold 02 kanals 08 marlas of land situated in rect. No. 106, Killa No. 8/1 (0-5), 8/2 (0-16) and 9/1 (1-17) and in addition thereto the possession of Bachat Land (Badhat) has also been handed over to the petitioners.”

It has been specifically pleaded that the petitioners have been owners in possession of 02 kanals and 08 marlas of land. It is clarified that although in the pleadings it is mentioned as 02 kanals 08 marlas of land, but this Court has specifically mentioned in the last paragraph of the judgment that petitioners are owners in possession of land and specific khasra number of the land in question has been mentioned. If the total of those khasra number is to be carried out, it comes to 2 kanals and 18

marlas, in this manner no further clarification is required. This Court has already mentioned in the judgment with regard to the total land of the petitioner as per the sale deed dated 15.04.1997.

So far as the second contention is concerned, the instant writ petition is only with regard to the direction to the respondent – Municipal Council to sanction the building plan as per the sale deed. Any observation made in this judgment will not affect the rights of the petitioners as this Court directed the Tehsildar, Gharaunda to demarcate the land in question as per the entitlement of the petitioners and thereafter, site plan be sanctioned in accordance with law. The management and control of the land which is *bachat* or otherwise vests in Municipal Council. It appears that petitioners intend to encroach upon the *bachat* land without any justification. So, it appears that review is sought to virtually delete the observation regarding *bachat* land to which petitioners have no concern. Building plan can be sanctioned with respect to the land owned by the petitioners. Intention of the petitioners can be inferred from the averment of the petitioners that they had been handed over possession of *bachat* land (Badhat) in addition to the land purchased by them. This does appeal to reason as to how possession of excess land could be given to the petitioners.

In view of this, I do not find any ground to review the order dated 11.11.2014 passed by this Court. Virtually, this is a frivolous

application for review and is dismissed with costs of Rs.5000/-, which shall be paid by the applicants-petitioners to the State Legal Services Authority, Haryana, within a period of one month from today, failing which, the State Legal Services Authority shall recover the same as arrears of land revenue.

January 12, 2015
vkd

[Paramjeet Singh]
Judge