

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

CWP No.16004 of 1993

Date of Decision: 31.08.2016

Mehar Singh (deceased) through LRs and others

. . . Petitioners

Versus

The State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. L.N. Verma, Advocate
for the petitioners.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Rameshwar Singh Malik, J. (Oral)

Present writ petition is directed against the order dated 01.10.1993 (Annexure P-5) passed by the Financial Commissioner, Haryana, whereby he accepted the revision petition of the State, exercising his *suo moto* powers under Section 18(6) of the Haryana Ceiling on Land Holdings Act, 1972.

Notice of motion was issued by a Division Bench of this Court, vide order dated 23.12.1993 and in the meantime, operation of the impugned order (Annexure P-5) was stayed. Thereafter, the writ petition was admitted for regular hearing vide order dated 02.11.1994 passed by the Division Bench of this Court and stay was ordered to continue. Written statement was filed on behalf of the respondents. That is how, this Court is seized of the matter.

It has gone undisputed before this Court that surplus area case, in the hands of original big land owner-Mehar Singh (petitioner), was decided by the Prescribed Authority, Dabwali, vide order dated 24.08.1979 (Annexure P-1). It is also a matter of record that Mehar Singh died on 13.04.2005, during the pendency of the present writ petition and his legal representatives were brought on record.

In view of the above-said undisputed fact situation, learned counsel for the parties are *ad idem* that the present case would be squarely covered by a Full Bench judgment of this Court rendered in **Sardara Singh versus Financial Commissioner and others 2008 (2) RCR (C) 744**. They jointly pray for disposal of the instant writ petition, in terms of the judgment of Full Bench rendered in **Sardara Singh's case (supra)**.

Ordered accordingly.

Consequently, the impugned orders (Annexures P-4 and P-5), passed by the respondent authorities are hereby set aside. However, it shall be open to the respondent authorities to redetermine the surplus area case, in the hands of legal representatives of original big land owner Shri Mehar Singh, however, strictly in accordance with law.

With the above-said observations made, the present writ petition stands allowed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

31.08.2016

mks

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No