

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

**Civil Writ Petition No. 16594 of 1994
Date of Decision: 4.10.2016**

Dalip Singh and others

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. C.B. Goel, Advocate
for the petitioners.

Mr. Yatinder Sharma, Additional A.G. Punjab.

Mr. P.N. Aggarwal, Advocate
for respondents No. 3 to 6.

RAMESHWAR SINGH MALIK J. (ORAL)

Learned counsel for contesting respondents No. 3 to 6 submits that present writ petition is squarely covered by the Full Bench judgment of this Court in **Sardara Singh and others Vs. The Financial Commissioner and others, 2008 (2) RCR (Civil) 744**. He submits the let the writ petition be disposed of in terms of the Full Bench judgment of this Court in **Sardara Singh's case** (supra).

The correctness of the abovesaid statement made by learned counsel for the contesting respondents could not be denied by learned counsel for the petitioners and rightly so, it being a matter of record.

The relevant observations made by the Hon'ble Full Bench in para 44 of its judgment in **Sardara Singh's case** (supra), read as under: -

“Resultantly, where the surplus area has ~~not been~~ finally

Amit Kumar
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integrity of this document

determined, and the matter is pending in appeals or revisions before the Revenue Courts or before this Court under Article 226 of the Constitution, or before the Supreme Court of India, death of the landowner would cause affectation of surplus area which would be required to be redetermined in the hands of the heirs of the deceased landowner. Such an interpretation would harmoniously construct the provisions of Section 11(5) and 11(7) and also give a proper interpretation to both the views expressed in Ajit Kaur's case. However, we are unable to uphold the judgments of this Court in Jasbir Kaur's case because Ajit Kaur's case was not at all considered by the Hon'ble Division Bench. As regards Manjit Kaur's case, even though Ajit Kaur's case was considered, the majority view had been entirely overlooked."

In view of the abovesaid fact situation obtaining on record, present writ petition is disposed of in terms of the Full Bench judgment of this Court in **Sardara Singh's case** (supra).

Pending civil miscellaneous application, if any, shall also stand disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

4.10.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No