

**Civil Writ Petition No. 1605 of 1998 &
other connected cases**

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

**Civil Writ Petition No. 1605 of 1998
Date of Decision: 6.12.2016**

Samadh Baba Maru Dass through its Mahant, Pyara Dass

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

Civil Writ Petition No. 3011 of 1998

Samadh Baba Maru Dass through its Mahant, Pyara Dass

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

Civil Writ Petition No. 3015 of 1998

Samadh Baba Maru Dass through its Mahant, Pyara Dass

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

Civil Writ Petition No. 3016 of 1998

Samadh Baba Maru Dass through its Mahant, Pyara Dass

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : None for the petitioner.

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

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RAMESHWAR SINGH MALIK J. (ORAL)

Since these four identical writ petitions are arising out of the same impugned order dated 21.7.1997 passed by the Financial Commissioner, Revenue, Punjab, all these four writ petitions are being decided vide this common order. However for the facility of reference, facts are being culled out from CWP No. 1605 of 1998.

Feeling aggrieved against the common impugned order dated 21.7.1997 passed by the Financial Commissioner (Revenue), Punjab, whereby he dismissed revision petitions filed by the petitioner, upholding the remand order dated 13.5.1991 passed by the Commissioner, Jalandhar Division, with a direction to the Collector, Jalandhar, to pass a fresh order after conducting enquiry regarding eligibility of Samandh Baba Maru Dass for exemption under Section 14 of the Punjab Land Reforms Act, 1972 ('the Act' for short) and after hearing all the parties, petitioner has approached this Court by way of these four writ petitions.

Notice of motion was issued vide order dated 4.2.1998 passed by a Division Bench of this Court, but no interim order was passed. Written statement was filed on behalf of the respondents. Thereafter, vide order dated 22.9.1999, a Division Bench admitted all these four writ petitions and ordered that interim order to continue till further orders.

During the pendency of these writ petitions, CM No. 7217 of 2006 in CWP No. 1605 of 1998 was moved by the petitioner, seeking permission to lease out the land for setting up a Medical School/College in village Daulatpur. On 31.5.2006, following order was passed by this Court:-

“Shri Anurag Verma, Deputy Commissioner,

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Jalandhar and Shri Bhupinder Singh, SDM, Jalandhar-1-cum-Collector, Agrarian, are present in Court. Learned State Counsel, on their instructions, submits that enquiry regarding the suit land could not take place as the matter has been stayed by this Court on the filing of petition by the petitioner. They further submit that the land sought to be got released by the petitioner is a valuable piece of land and they want to file detailed reply to contest this application.

Reply, if any, be filed within four weeks, with a copy to the learned counsel for the petitioner.”

Thereafter, vide order dated 9.11.2006, Sub Registrar was directed to pass a speaking order on the agreements presented by the petitioner and the order dated 9.11.2006, reads as under:-

“ Learned counsel for the petitioner submits that the respondent-State has laid down certain instructions for refusing to entertain any document for registration. The petitioner would present the agreements before the Sub Registrar for the purposes of registration. If the Sub Registrar finds that those agreements cannot be registered, then he will pass a speaking order for refusing to register said agreements. Further submits that the Sub Registrar be directed to pass a speaking order within specified time. The learned State counsel submits that he has no objection to this proposal.

Accordingly, the petitioner may present the agreements before the Sub Registrar for the purposes of registration on any date. When the agreements are presented before the Sub Registrar, he would be duty bound to pass a speaking order within two weeks from the date of presentation.”

On 6.2.2007, learned counsel for the State sought one more opportunity to ensure compliance of the abovesaid order dated 9.11.2006

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and on his request, case was adjourned, passing the following order:-

“Learned State Counsel states that he may be given one opportunity to ensure compliance of the order date November 09, 2006, passed by this Court.

Adjourned to March 29, 2007.”

In compliance of the abovesaid orders passed by this Court, Sub Registrar, Jalandhar, passed the appropriate order and recording this fact, abovesaid CM No. 7217 of 2006 was disposed on 17.8.2007, by passing the following order:-

“It is stated by the learned counsel for the applicant that Sub-Registrar, Jalandhar, has already complied with the directions issued by this Court and passed the order.

Civil Miscellaneous application is disposed of.”

Apart from passing the abovesaid interim orders, including the developments that have taken place, a combined reading of the impugned orders dated 13.5.1991 (Annexure P-4) passed by the Commissioner, Jalandhar Division, as well as impugned order dated 21.7.1997 (Annexure P-5) passed by the Financial Commissioner, Revenue, Punjab, would make it crystal clear that none of them committed any error of law, while passing their respective impugned orders. It is so said, because the Commissioner has passed only a remand order, directing the Collector, Jalandhar, to conduct an enquiry regarding the eligibility of petitioner-Samadh Baba Maru Dass for claiming exemption under Section 14 of the Act of 1972, by passing an appropriate order. No prejudice was caused to the petitioner, by passing the said impugned order, which may warrant interference at the hands of this Court. The matter is hanging fire unnecessarily for the last

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about 20 years, without there being any justified cause. It also seems that, as the petitioner has already executed the lease agreements for setting up the medical college in village Daulatpur, as reflected in the abovesaid interim orders passed by this Court, petitioner would not be interested in pursuing all these four writ petitions any further,

Be that as it may, impugned orders have not been found suffering from any patent illegality or perversity, which may warrant interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned orders have not been found suffering from patent illegality or perversity, the same deserve to be upheld. All these writ petitions are wholly misconceived, bereft of merit and without any substance, thus, these must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, all these writ petitions stand dismissed, however, with no order as to costs.

6.12.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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