

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

**Civil Writ Petition No.25855 of 2015
Date of Decision: December 07, 2016**

Paramjit Singh & Ors.

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.D.S.Pheruman, Advocate and
Mr.Tarundeep Kumar, Advocate,
for the petitioner (in CWP-4003-2016).

Mr.K.S.Sandhu, Advocate, for
Mr.R.S.Atrwal, Advocate,
for the petitioner (In CWP Nos.1306 & 1488 of 2016).

Mr.Amrik Singh, Advocate, for
Mr.Ram Bilas Gupta, Advocate,
for the petitioner (in CWP-1697 of 2016).

Mr.L.S.Lakhanpal, Advocate,
for the petitioner (in CWP No.1108 of 2016).

Mr.G.S.Kaura, Advocate,
for the petitioner (in CWP No.1492 of 2016).

Mr.Viney Saini, Advocate, for
Mr.G.S.Nagra, Advocate,
for the petitioners (in CWP No.21533 of 2016).

Mr.Puneet Jindal, Senior Advocate with
Mr.N.D.Mahajan, Advocate,
for the petitioner.(in CWP-25855 of 2015).

Mr.Amish Garg, Advocate,
for the petitioner.

Mr.Vipul Babuta, Advocate,
for the petitioner (in CWP-24550 of 2016).

Mr.Rahul Arora, Advocate, for
Mr.Raman Goklaney, Advocate,
for the petitioners.

Mr.Mahabir Singh Sidhu, Advocate,
for the petitioners (in CWP-346 & 1395 of 2016).

Mr.Naveen Bawa, Advocate,
for the petitioners (in CWP-27409-2015).

Mr.M.S.Sidhu, Advocate,
for the petitioner (in CWP-600-2016).

Mr.Parambir Singh, Advocate,
for the petitioner (in CWP-2320-2016).

Mr.C.L.Verma, Advocate,
for the petitioner (in CWP-872 & 873 of 2016).

Mr.Varun Goyal, Advocate,
for the petitioner (In CWP-1377-2016).

Mr.Harinder Singh, Advocate,
for the petitioner (In CWP-1344-2016).

Mr.Ravi Malhotra, Advocate,
for the petitioner (in CWP-2212-2016).

Mr.Sushil Saini, Advocate,
for the petitioner (In CWP-20828-2016).

Mr.J.S.Bhatti, Advocate,
for the petitioners.(in CWP-1545 & 4142-2016).

RAMESHWAR SINGH MALIK, J.(Oral)

This bunch of 57 writ petitions bearing CWP No.25855 of 2015, CWP No.26527 of 2015, CWP No.27042 of 2015, CWP No.27398 of 2015, CWP No.27409 of 2015, CWP No.27416 of 2015, CWP No.1088 of 2016, CWP No.1108 of 2016, CWP No.1147 of 2016, CWP No.1306 of 2016, CWP No.1344 of 2016, CWP No.1377 of 2016, CWP No.1395 of 2016, CWP No.1488 of 2016, CWP No.1492 of 2016, CWP

No.1545 of 2016, CWP No.1697 of 2016, CWP No.20828 of 2016, CWP No.2212 of 2016, CWP No.2302 of 2016, CWP No.2317 of 2016, CWP No.2320 of 2016, CWP No.24550 of 2016, CWP No.2566 of 2016, CWP No.2585 of 2016, CWP No.2637 of 2016, CWP No.2645 of 2016, CWP No.2679 of 2016, CWP No.2731 of 2016, CWP No.2780 of 2016, CWP No.2819 of 2016, CWP No.2936 of 2016, CWP No.2957 of 2016, CWP No.3018 of 2016, CWP No.346 of 2016, CWP No.3528 of 2016, CWP No.3611 of 2016, CWP No.3730 of 2016, CWP No.3751 of 2016, CWP No.3767 of 2016, CWP No.3809 of 2016, CWP No.3853 of 2016, CWP No.4003 of 2016, CWP No.4142 of 2016, CWP No.4163 of 2016, CWP No.4168 of 2016, CWP No.4190 of 2016, CWP No.4191 of 2016, CWP No.4192 of 2016, CWP No.4193 of 2016, CWP No.4202 of 2016, CWP No.21533 of 2016, CWP No.727 of 2016, CWP No.753 of 2016, CWP No.872 of 2016 and CWP No.873 of 2016, is being decided vide this common order, as all the writ petitions raise identical issues based on similar facts. However, for the facility of reference, facts are being culled out from CWP No.25855 of 2015 (***Paramjit Singh & Ors. vs. State of Punjab & Ors.***).

It is a matter of record and have gone undisputed before this Court that the impugned orders, in all these writ petitions, whereby allotments already made in favour of the petitioners were sought to be cancelled, were passed even without issuing any show cause notice or granting any opportunity of being heard to the allottees-petitioners.

Learned counsel for the petitioners also places reliance on

Punjab Act No.9 of 2016 known as The Punjab Package Deal Properties (Disposal) Amendment Act, 2016, and relevant part thereof, reads as under:-

“Be it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of Republic of India, as follows:-

1. (1) *This Act may be called the Punjab Package Deal Properties (Disposal) Amendment Act, 2016.* Short title and commencement
- (2) *It shall be deemed to have come into force on and with effect from the 1st day of September, 2007.*
2. *In the Punjab Package Deal Properties (Disposal) Act, 1976, in section 4, after sub-section (1), the following sub-section shall be inserted, namely:-* Amendment in section 4 of Punjab Act 21 of 1976

“(1-A) Notwithstanding anything contained in any judgment order or decree of any court or the provisions of any other law for the time being in force:-

- (i) *any transfer made or purported to be made under the provisions of clause (c) of sub-section (1) shall not be called in question, except in accordance with the procedure and remedies provided in this Act in so far as it violates the provisions of this Act or rules or a general or a special order, made under clause (c) of sub-section (1);*
- (ii) *any general or special order issued, or to be issued, under clause (c) of sub-section (1) shall continue to be valid, and shall always be deemed to have been valid; and*
- (iii) *any transfers of land made under the provisions of clause (c) of sub-section (1), having been declared invalid by any court, shall continue to be valid irrespective of the court order.”*

Placing reliance on the abovesaid provisions of law, learned counsel for the petitioners in all these cases, emphatically contended that allotments already made in favour of the petitioners shall be positively protected in view of the abovesaid provisions of law.

Having heard the learned counsel for the parties at some

length and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, all these writ petitions are disposed of with a direction to the competent authority to issue a show cause notice to the allottees-petitioners, at the first instance. Thereafter, the allottees-petitioners shall be granted an opportunity of being heard. After granting an opportunity of being heard to all the would be affected parties, the competent authority shall be at liberty to pass fresh orders, if so required, but only after keeping in view the provisions of Punjab Act No. 9 of 2016 reproduced herein above.

Should there be any confusion in this regard, it is also clarified that wherever any show cause notice was issued and thereafter, cancellation order was passed, said order shall also be reconsidered in view of the abovesaid provisions of law, contained in Punjab Act No. 9 of 2016. Consequently, all the impugned orders would stand set aside, however, with liberty to the competent authority to pass fresh orders, as indicated above.

It goes without saying that competent authority shall pass appropriate orders, strictly in accordance with law and after passing the fresh orders by the competent authority consequences would follow, including carrying out appropriate corrections in the relevant revenue record.

With the abovesaid observations made and directions issued, all the writ petitions stand disposed of.

Wherever any civil miscellaneous applications, in any case,

are pending those shall also stand disposed of.

All the abovesaid writ petitions as well as pending applications are disposed of, accordingly.

December 07, 2016

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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No