

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No.7018 of 2016  
Date of decision: 29.08.2016

Harmanjot Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. P.N. Aggarwal, Advocate  
for the petitioner.

Mr. B.M.Vinayak, DAG, Punjab.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Present writ petition is directed against the orders dated 29.11.1989 (Annexure P-9) and dated 09.09.2015 (Annexure P-17) passed by the respondent revenue authorities.

Notice of motion was issued and in compliance thereof, reply on behalf of respondents No.1 to 3 has been filed.

Learned counsel for the parties are ad idem that present case 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** and pray for disposal of the present writ petition in terms thereof.

The ratio of law laid down by the Hon'ble Full Bench in para 42 of its judgment in **Sardara Singh's** case (supra), which can be gainfully followed in the present case, reads as under: -

*“Resultantly, where the surplus area has not been finally 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."*

No other argument was raised.

In view of the abovesaid conceded position, present writ petition is allowed. Impugned orders dated 29.11.1989 (Annexure P-9) and dated 09.09.2015 (Annexure P-17) are hereby set aside. However, liberty is granted to the respondent authorities to re-determine the surplus area case, in the hands of the petitioner and other legal representatives of the original land owner, if any, by passing an appropriate order, strictly in accordance with law.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

29.08.2016  
*vishnu*

Whether speaking/reasoned                      Yes/No

Whether reportable                                Yes/No