

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

COCP No. 411 of 2016 (O&M)

Date of decision : 28.11.2017

Malkiat Singh & anr.

...Petitioners

V/s

Arshdeep Singh Thind & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Sidhu, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Hry.

RAJAN GUPTA J.

Petitioner alleges violation of order dated 28.04.2011 passed by writ court.

Learned State counsel submits that order has been complied with. He has referred to paras 5, 6 & 7 of affidavit dated 23.03.2017. Same reads as under:-

“5. That in this regard it is humbly submitted that there is no mistake in giving effect to the claim of the petitioners by wrongly applying the 1956 Rules. Clause 2(e) of the NAZOO LANDS (TRANSFER) RULES, 1956 reads as under:

2. Definitions:

xxx xxx xxx

(e) “Unit of Nazool Land” means; (i) Where land belongs to one kind, three acres of irrigated land or six acres of unirrigated land or nine acres of banjar land;

(ii) Where belongs to more than one kind, the average culated in above proportion.

6. That it is pertinent to mention here that in the year 1980, the land was described as Bhudd (Banjar) in the revenue

record. However, in the Jamabandi for the year 1992-1993 and onwards, the type of the land has been described as Chahi due to installation of bore in the land. A true translated copy of the Jamabandi for the year 1992-93 is being annexed herewith as Annexure R-2/T and its true copy as Annexure R-2.

7. *That in such circumstances, when the land was allotted to the petitioners, in compliance to the orders dated 28.4.2011 (Annexure P-1), keeping in view the present status of the land as per the provision i.e. 2(e) of the Rules, 1956, the allotment has been made, vide order dated 10.5.2016 (Annexure R-1) by treating the same as Chahi. Moreover, there is no Bhudd (Banjar) land at present in existence. As such, there is no mistake in giving effect to the claim of the petitioners by wrongly applying the 1956 Rules.”*

In view of above, learned counsel for the petitioner submits that he may be allowed to withdraw this petition with liberty to impugn the order, if necessary.

Dismissed as withdrawn with aforesaid liberty.

November 28, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No