

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

CWP No.15403 of 2000
Date of decision : 15.03.2017

Gulzar Singh and another (deceased through LR's)

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. P.S. Khurana, Advocate for the petitioners.

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

AMIT RAWAL, J. (Oral)

The petitioners have approached this Court for issuance of a writ in the nature of mandamus directing the respondents to allot nazool land situated at Village Naudhrani, Tehsil Malerkotla, District Sangrur on the ground that they belongs to Ramdasia Caste and were given agricultural land in aforementioned village on lease by the Tehsildar Malerkotla and since 1976, have been in continuous possession. However, in the year 1985, were threatened by the respondents qua dispossession, resultantly, filed a suit for permanent injunction which was decreed. However, in the year 1988, a petition under Section 5 of Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 seeking ejectment of the petitioners being unauthorized occupants was instituted, which was decided on 16.02.1999 with direction to the State of Punjab not to dispossess the

petitioners, in essence, petitioners were asked to pay the rent/chakota.

Legislature passed the Nazool land (Transfer) Act and also framed Rules thereunder with regard to allotment of the nazool land to the landless person of Scheduled Castes and Backward classes. The application of the petitioners is stated to be pending but no action has been taken.

I deem it appropriate to dispose of the present writ petition with a direction to respondent No.2-Deputy Commissioner to decide the representation of the petitioners within a period of six months from the date of receipt of certified copy of the order, with regard to the allotment of the land in terms of law applicable at the relevant point of time.

Stay already granted by this Court shall continue till then.

The plea of the State with regard to cut off date would not be applicable as the petitioners were continuing to pay chakota. At the best petitioners could have been asked to pay the rent/chakota at the rate as prevailing at the time when they made an application.

With the aforementioned observations, present writ petition stands disposed of.

15.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No