

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

Civil Writ Petition No.21467 of 2011
Date of Decision: March 06, 2017

Samunder Singh & others

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.O.P.Goyal, Senior Advocate with
Ms.Shallie Mahajan, Advocate,
for the petitioners.

Mr.Sandeep S.Mann, Sr.DAG, Haryana,
for the State.

Mr.Dinesh Arora, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

Challenge in the present writ petition is to the notifications dated 23.4.1999 (Annexure P-20) and 21.2.2000 (Annexure P-21) issued under Sections 3 and 4 of the Punjab Land Preservation Act, 1900 (Punjab Act 2 of 1990), whereby, according to Mr.O.P.Goyal, learned Senior Counsel assisted by Ms.Shallie Mahajan, Advocate, representing the petitioners, the land was under cultivation, in essence the notifications were issued without adherence to the provisions of the aforementioned Act, much less Indian Forest Act. The Government cannot declare the aforementioned land until and unless the objections/nature of the land is being ascertained, in essence on drop of hat. The period of the notification Annexure 21.2.2000 (Annexure P-21) was for fifteen years. However, the State

Counsel as per order dated 4.7.2016 sought time to get instructions with regard to promulgating of the new notification.

Mr.Sandeep S.Mann, learned Sr.DAG, Haryana submits that no such notification has been issued.

In view of the aforementioned fact, the writ petition stands disposed of as infructuous.

The period of the notification Annexure P-21 has already elapsed. In case the Government contemplates to issue the new notification, it shall be in accordance with law by inviting the objections. Liberty is granted to the petitioner to raise all possible objections.

March 06, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No