

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.13829 of 2014
Date of Decision: May 01, 2017

Phuman Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

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

Present: Mr.Anupam Bhardwaj, Advocate,
for the petitioner.

Mr.Yatinder Sharma, Addl.A.G.Punjab,
for the State.

AMIT RAWAL, J. (Oral)

The petitioner has sought the following relief:-

“Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of Mandamus for directing the respondents to consider the claim of the petitioner for registration of the sale deed in his favour with regard to the land in possession of the petitioner in terms of the scheme floated by State of Punjab for the farmers community to the effect that those who are in possession of the land of the provincial government they can get the same registered in their favour by paying the amount as determined by the government authorities as has been done in the case of other persons;

And

Also with a prayer for directing the respondents to take appropriate legal action against the officers/officials who are sitting over the matter;

Or

Issue any other appropriate writ, order or directions which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the present case.”

Mr.Yatinder Sharma, learned Addl.A.G.Punjab, representing the State submits that the aforementioned policy, in view of the stand taken in Paragraph 1 of the preliminary objections, has been set-aside by the Hon'ble Supreme Court. Para 1 reads as under:-

“That the present writ petition has been filed before this Hon'ble Court for the issuance of directions to the respondents to consider the case of the petitioner for registration of sale deed in his favour with regard to the land alleged to be in his possession in terms of the policy issued by the Punjab Government in the year 2007. In this regard it is submitted that the Punjab Government in the department of Revenue and Rehabilitation (Land Revenue Branch), Chandigarh had issued a policy on 26th September, 2007 vide which applications were invited from the eligible persons who were in undisputed continuous possession of rural evacuee land since the crop Kharif 2000, provided they fulfil all the conditions laid down in the policy. It was made clear in the policy dated 26.9.2007 that the conditions as per the Punjab Package Deal Properties (Disposal) Act, 1976 and the Punjab Package Deal Properties (Disposal) Rules, 1976 shall be applicable. The petitioner has also filed two applications for the transfer of land allegedly under his possession. In this regard it is submitted that the Hon'ble Supreme Court of India vide orders dated 28-11-2011 passed in Civil Appeal No.1132/2011 @ SLP (C) No.3109 of 2011 (arising out of Special Leave Petition (Civil) CC No.19869 of 2010) titled “Jagpal Singh & ors. Versus State of Punjab & ors.” has held that the letter dated 26.9.2007 of the Punjab Government vide which said policy was issued, as wholly illegal and without jurisdiction. The relevant extract from para 13 of the order dated 28.11.2007 is reproduced for

the kind information of this Hon'ble Court, which reads as under:-

“The letter dated 26.9.2007 of the Government of Punjab permitting regularization of possession of these unauthorized occupants is not valid. We are of the opinion that such letters are wholly illegal and without jurisdiction. In our opinion such illegalities cannot be regularized.”

Since the petitioner has filed the application in terms of policy issued vide letter dated 26.9.2007, so in view of the above orders of Hon'ble Supreme Court, the writ petition is liable to be dismissed on this score alone.”

In view of the aforementioned fact, the grievance of the petitioner cannot be vindicated.

The writ petition stands dismissed.

May 01, 2017
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(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No