

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.20444 of 2013
Date of Decision.21.03.2017

Labh Singh and othersPetitioners

Vs

State of Haryana and othersRespondents

Present: Mr. Ashok Verma, Advocate
for the petitioners.

Mr. Rajbir Singh, AAG, Haryana.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The only question involved in the writ petition has already been noticed in the notice of motion order dated 04.10.2013. The question now to be seen is whether the effective date shall be 24.01.1971 or 23.12.1972.

In this regard, learned counsel appearing on behalf of the petitioners has relied upon the ratio decidendi culled out in the judgments of Hon'ble Supreme Court in Sampuran Singh Vs. The State of Haryana and others 1994 PLJ 267 and Ram Swarup and others Vs. S.N. Maira and others 1999(1) PLJ 11 to contend that effective date would be 23.12.1972, as the land would be deemed to have been vested under Section 12(3) of the Haryana Ceiling on Land Holdings Act, 1972 and in view of the decree obtained by Bukan Singh on 25.04.1972, holding of his land had reduced and therefore, the proceedings qua declaration of surplus area has to be redetermined/re-assessed in favour of the petitioners as they are small land owners. The ratio decidendi culled out in the aforementioned judgments leaves no manner of doubt that the appointed date would be 23.12.1972

within the scope of ratio decidendi *ibid*.

Resultantly, the orders under challenge are set aside and the matter is remitted back to the Prescribed Authority to undertake the task of redetermination of the land being surplus or not, at the hands of the petitioners/decreed holders. The writ petition stands allowed in the aforementioned terms.

Let this exercise be done within a period of six months from the date of receipt of certified copy of this order. The parties through their counsel are directed to appear before the Prescribed Authority on 07.04.2017.

(AMIT RAWAL)
JUDGE

March 21, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No