

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22652 of 2016 (O&M)

Date of Decision: 11.12.2017

Ashok Kumar

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDHIR MITTAL**

Present: Mr. Neeraj Gupta, Advocate for the petitioner

Mr. Kuldeep Tiwari, Addl. AG Haryana

Mr. Ashish Gupta, Advocate for respondent No.4

Ms. Chhavi Sharma, Advocate for respondent No.5

Mr. ML Sarin, Senior Advocate with
Mr. Nitin Sarin, Advocate for respondent No.6

SURYA KANT, J. (Oral)

(1) The petitioner has challenged the order dated 29.03.2016 passed by the Divisional Commissioner, Gurgaon whereby in purported exercise of powers under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, the exchange of Gram Panchayat land comprising *gair mumkin baori* with the land of State of Haryana, Municipal Corporation, Gurgaon and private land of respondent No.6, was approved.

(2) One of the grievance of the petitioner in the instant writ petition is that the impugned order has been passed without hearing the affected parties.

(3) Written statement dated 08.12.2017 filed by Deputy CEO, Zila Parishad, Gurugram is taken on record. The Commissioner, Gurgaon Division has filed reply dated 07.12.2017 along with copy of the order dated 31.10.2017 (R1) whereby the impugned order dated 29.03.2016 has been reviewed and recalled. This would render the writ petition as infructuous leaving it open for

the parties to agitate the related issues including challenge to the order dated 31.10.2017, before appropriate forums and in accordance with law.

(4) Disposed of accordingly.

(Surya Kant)
Judge

11.12.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No