

HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-2050-2017

Date of Decision: March 23, 2017

Jagbir Singh

.....Petitioner

Versus

State of Haryana and Ors

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

- |    |                                                                       |         |
|----|-----------------------------------------------------------------------|---------|
| 1. | To be referred to the Reporters or not?                               | Yes/No  |
| 2. | Whether the judgment should be reported in the Digest?                | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No  |

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Present: Mr.Aakash Singla, Advocate  
for the petitioner.

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**SURYA KANT, J.**

Notice of motion.

[2] On our asking, Mr.Deepak Balyan, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of respondent Nos.1 to 4. Let four sets of paper-book be handed over to him during the course of day. In view of the nature of the order, which we propose to pass, there is no need to seek any reply-affidavit from the official respondents or to serve respondent No.5 at this stage as no order prejudicial to its interest is being passed.

[3] The petitioner alleges that respondent No.5, who is a builder,

has fraudulently obtained licences dated 11.10.2013 and 31.10.2013 in respect of the land which was owned by a big land owner and having been declared 'surplus' is deemed to have vested in State under the provisions of Haryana Ceiling on Land Holdings Act, 1972. It is further averred that pursuant to the complaints made by the petitioner, a fact finding enquiry has been initiated but ignoring that enquiry, the private builder is continuing with the construction at the site and a multi-storeyed building is under construction. The petitioner is said to have taken action before the statutory authorities for cancellation of licences granted to respondent No.5-builder but he apprehends that if the building is allowed to be completed, then the purpose of enquiry would be defeated. We find that in this regard the petitioner has made complaints to various authorities.

[4] Having heard learned counsel for the petitioner as also learned State counsel representing the official respondents and after perusing the various documents placed on record, it appears prima-facie that a fact finding enquiry is required to be held by the Financial Commissioner Revenue, to find out (i) as to whether the land in dispute was declared 'surplus' and if so, whether it vests in State of Haryana?; (ii) whether the title dispute is still sub judice and if so, whether a licence could be granted in the absence of clear title?; and (iii) if 2<sup>nd</sup> part of question No.2 is answered in negative, whether construction can be allowed to be raised at the site?

[5] We, thus, dispose of this writ petition without expressing any views on merits of the allegations made by the petitioner, with a direction to Financial Commissioner Revenue, Haryana, to treat this writ petition as a representation on behalf of the petitioner and take necessary action in

accordance with law, as early as possible and preferably within a period of two months.

( SURYA KANT )  
JUDGE

March 23, 2017  
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( SUDIP AHLUWALIA )  
JUDGE

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