

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

1.

CWP No.21624 of 2017

Date of Decision: 21th September, 2017

Gurdeep Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . .Respondents

2.

CWP No.21625 of 2017

Surinderjit Singh and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . .Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Munish Gupta, Advocate,
for the petitioner(s).

RAKESH KUMAR JAIN, J. (ORAL)

I shall dispose of two petitions, namely, *CWP No.21624 of 2017* titled as "*Gurdeep Singh Vs. State of Punjab and others*" [for short 'the 1st petition] and *CWP No.21625 of 2017* titled as "*Surinderjit Singh and others Vs. State of Punjab and others*" [for short 'the 2nd petition] by way of this common order.

Learned counsel for the petitioners has submitted that the big land owner, namely, Banarsi Dass, sold the land in question to the petitioners on 4.4.1968. The petitioners were served with a notice by Assistant Collector, 1st Grade, Bunga dated 3.6.1999 informing that that the land in question was declared surplus in 1960 in the hands of Banarsi Dass. This was challenged by way of CWP No.8955 of 2004 in the 1st petition and CWP No.12534 of 2004 in the 2nd petition,

which were disposed of on 15.5.2012, after setting aside the orders of sanctioning of mutation No.139 vide order dated 29.12.2000 on the basis of order dated 23.5.1960 in favour of the State, as unsustainable and the matter was remanded back to the to the District Collector, Agrarian for deciding afresh after affording opportunity of hearing to the affected party. The said decision in the writ petition was challenged in the intra-court appeal bearing LPA No.1467 of 2013 in the 1st petition and LPA No.1469 of 2013 in the 2nd petition at the instance of the State which were also dismissed vide order dated 2.9.2013. Thereafter, since the Collector Agrarian, Hoshiarpur did not take any interest in the matter, therefore, he petitioner filed application for transfer of the proceedings from Hoshiarpur to any other Court, Accordingly, the case was transferred to Collector Agrarian, Kapurthala. While the matter was pending before the Collector Agrarian, Kapurthala in which it was to be decided as to whether the sale in favour of the petitioners has to be protected or not, the petitioners moved an application for seeking correction of mutation in their favour on the basis of sale deed. The said application has been turned down by the Deputy Commissioner, Hoshiarpur on the ground that the matter is still *sub judice* before the Collector, Agrarian, Kapurthala and until and unless it is decided, correction of mutation cannot be ordered.

Learned counsel for the petitioner has submitted that on one hand the matter pending before the Collector Agrarian, Kapurthala is not making any headway and on the other hand they are deprived of their rights over the land in question, purchased by them by way of sale deed. He has submitted that he would rather file a writ petition for accelerating the proceedings pending before the Collector Agrarian, Kapurthala and has prayed that he may be allowed to withdraw the present petitions at this stage.

Dismissed as withdrawn.

Vivek Pahwa
2017.09.26 10:45
I attest to the accuracy and
integrity of this document

Liberty granted.

A photocopy of this order be placed on the file of another connected case.

21th SEPTEMBER, 2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>