

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.26079 of 2016.

Date of Decision: October 12, 2017

Surjit Singh and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Rohiteshwar Singh, Advocate, for the petitioners.
Mr.Vishal Garg, Additional AG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 5 only at this stage.

On our asking, Mr.Vishal Garg, learned Additional Advocate General, Haryana, accepts notice on their behalf.

Let five copies of the writ petition be supplied to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 to 5 nor respondent Nos.6 to 25 are required to be served at this stage as no order prejudicial to their interest is being passed.

Two-fold issues have been raised in the instant writ petition in which the order dated 03.08.2015 passed by the Deputy Commissioner, Karnal, whereby petitioners have been denied allotment of 100 square yard plots for want of eligibility and petitioners' objections regarding eligibility of private-respondents have been turned down and allotment in their favour has been upheld, is under challenge.

Firstly, it is contended on behalf of the petitioners that their eligibility was to be seen on the date when applications were submitted and merely because son of the 1st petitioner has joined police department, U.T. Chandigarh in the year 2016, would not incur him with disqualification to seek allotment. There appears to be some merit in the petitioners' contention

that eligibility must be seen with reference to the cut-off date when applications were invited or submitted. The second contention is that most of the private-respondents to whom allotments have been made, are disqualified. A perusal of the chart prepared by the petitioners reveals that some of them or their family members are in Government service; few of them are having *pakka* houses in the village while other are in the trades or business and have sufficient means of livelihood. There is thus serious doubt on the genuineness of the enquiry report on the basis of which the Deputy Commissioner, Karnal has unfortunately passed a very casual order dated 03.08.2015.

At the same time, we find that the writ petition raises several disputed questions of facts which can be more effectively determined by the administrative authorities. The Commissioner, Rohtak Division, Rohtak is thus directed to call for the records and hold a fact-finding enquiry to ascertain as to whether the petitioners are eligible for allotment of 100 square yard plots and whether the private respondents have been rightly allotted such plots?

Let the needful be done within a period of four months from the date of receiving a certified copy of this order.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

October 12, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.14840 of 2017 in
CWP No.26079 of 2016

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Surjit Singh and others vs. State of Haryana and others

Present : Mr.Rohiteshwar Singh, Advocate,
for the applicant-petitioners.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and the document (P-15) is taken on
record.

CM stands disposed of.

(SURYA KANT)
JUDGE

October 12, 2017
mohinder

(SUDHIR MITTAL)
JUDGE