

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No.484 of 2017

Date of Decision:01.02.2018

Sumeet and othersPetitioner
Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.N.C.Kinra, Advocate for the petitioners.

Mr.Ashwani Kumar Saini, DAG, Haryana.

Ms.Neelam Nehra, Advocate for
Mr.Deepak Balyan, Advocate for respondent No.3-Municipal
Coproation.

1. Whether the Reporters of local newspaper may be allowed to see the judgment?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest?

KULDIP SINGH J. (ORAL)

Impugned in the present revision is the order dated 17.10.2016 (Annexure P-10) passed by the learned Civil Judge (Junior Div.), Rohtak, whereby earlier direction of the learned trial Court vide order dated 30.04.2015 directing to submit the list of owners/Ismail Malkan has been frustrated and further prays for setting aside the order dated 10.11.2016(Annexure P-12), whereby the review application filed by the petitioners has been dismissed.

I have heard learned counsel for the parties.

It comes out that plaintiffs have filed a Civil Suit for permanent injunction under Order I Rule 8 CPC, 1908 regarding Shamlat Deh land. As per the requirement of the law, all the co-sharers are to be served with a notice before granting permission to issue notice under order I Rule 8 CPC, 1908. It appears that

plaintiffs requested the Court that list of owners is not being supplied. Therefore, Prashu Ram, Kanungo appeared before the Court on 30.09.2016 and made a statement that he will supply the list of owners on the next date. On the next date i.e. 17.10.2016, he stated that Halka Patwari has intimated that this land has not been partitioned. Earlier this land was Shamlat Deh and now the same has been mutated in the name of Municipal Corporation. There is no other list of owners. It is further stated that now the control of said land is with the Forest Department of Rohtak, Haryana-respondent no.2. Though, the control is with the Forest Department, Rohtak, Haryana, but record is prepared by the revenue authorities for the Shamlat Deh. The entries are made in the *jamanbandi* and the record is available with the revenue authorities as to who are the share holders and also the extent of their shares.

It being so, this petition is disposed of with a direction to the revenue authority i.e. Halka Kanungo/Daftar Kanungo to supply the list of share holders in the suit land to the petitioners on payment of prescribed fee alongwith their shares.

Disposed of with the above direction.

(KULDIP SINGH)
JUDGE

01.02.2018

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No