

**C.M. No.18370-71 of 2017 in/and
CWP No.5511 of 2000**

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

**C.M. No.18370-71 of 2017 in/and
CWP No.5511 of 2000
Date of Decision.23.02.2018**

Joginder Singh and others

.....Petitioners

Vs

Financial Commissioner Revenue, Punjab and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. T.P.S. Tung, Advocate
for the applicant-petitioner.

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AMIT RAWAL J.(ORAL)

C.M. No.18370 of 2017

The application for bringing on record the legal representatives of deceased Joginder Singh, Darshan Singh and Jasbir Singh i.e. petitioner No.1, 5 and 6 respectively is allowed subject to all just exceptions and the legal representatives are ordered to be brought on record.

The amended memo of parties is taken on record and the registry is directed to put it at the appropriate place.

C.M. No.18371 of 2017

The prayer in the application is for recalling of the order dated 17.04.2017 on the premise that regarding this allotment the petitioners could not succeed by way of restricted auction dated 26.07.1996 but the fact of the matter is that subsequently they have been allotted a fresh plot on 21.02.1987 and this fact could not be brought on record, for, dismissal of the writ petition may not come in the way of subsequent allotment. It is in this background, the application has been moved.

Notice in the application.

Ms. Akanksha, AAG, Punjab accepts notice for the non-applicant/respondents.

I am of the view that the factum of subsequent event of 1987 was not in the knowledge of the previous counsel, who had pleaded no instructions, resulting into dismissal of the writ petition.

For the reasons aforementioned, the order dated 17.04.2017 is recalled and the writ petition is restored to its original number.

Application is allowed.

CWP No.5511 of 2017

There is also a prayer made in the application bearing No.18371 of 2017 for withdrawal of the writ petition owing to the fact of subsequent allotment.

The withdrawal of the writ petition is not opposed by the State counsel appearing for the non-applicant/respondents, however, she has not been able to rebut the factum of subsequent allotment. Be that as it may.

In view of the statement made by the counsel for the petitioners for withdrawal of the writ petition, the same is dismissed as withdrawn.

**(AMIT RAWAL)
JUDGE**

February 23, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No