

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17974-2015

Date of Decision: September 06, 2018

Jai Bhagwan and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.Keshav Pratap Singh, Advocate for the petitioners.

Ms.Shubhra Singh, Addl.AG, Haryana.

Ms.Chhavi Sharma, Advocate for

Mr.P.S.Chauhan, Advocate for respondent Nos.2 to 4.

Mr.Sunil K.Rana, Advocate for

Mr.Amit Jaswal, Advocate for respondent No.5.

Mr.Subhash Godara, Advocate for respondent No.6.

Mr.D.K.Tuteja, Advocate for respondent Nos.7 to 9.

.....

SURYA KANT, J.(ORAL)

The petitioners are said to have purchased half share of Plot No.125, New Grain Market, Rohtak from proforma respondent Nos.7 to 9 on 17.03.1999. The shop site was divided and two shops are said to have been separately constructed by the petitioners as well as proforma respondents. They obtained completion certificate also. However, the fragmentation of the shop has been set aside after ten years vide impugned order dated 22.03.2012 (Annexure P-14). One of the grievance of the petitioner in the instant writ petition is that while entertaining the objections of the Market Committee/Marketing Board to set aside the fragmentation of the shop, they

order.

[2] The fact that the petitioners remained unrepresented when the impugned order was passed can hardly be disputed for the reason that the alleged Special Power of Attorney, who is said to have represented the petitioners was, in fact, the representative of proforma respondents only.

[3] The petitioners were required to be heard before the impugned order affecting their civil rights could be passed. For the reason aforesaid but without expressing any views on merits, the writ petition is allowed in part; the impugned order dated 22.03.2012 is set aside and the Revisional Authority-cum-Financial Commissioner and Principal Secretary, Haryana Agriculture Department is directed to decide the matter afresh and in accordance with law after hearing all concerned including the petitioners.

[4] The parties are directed to appear before the above-stated Authority on 24.09.2018. It shall be appreciated if the matter is decided within a period of four months from the date of appearance of parties. Till such time status quo shall be maintained.

(SURYA KANT)
JUDGE

September 06, 2018
meenuss

(SUDIP AHLUWALIA)
JUDGE

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